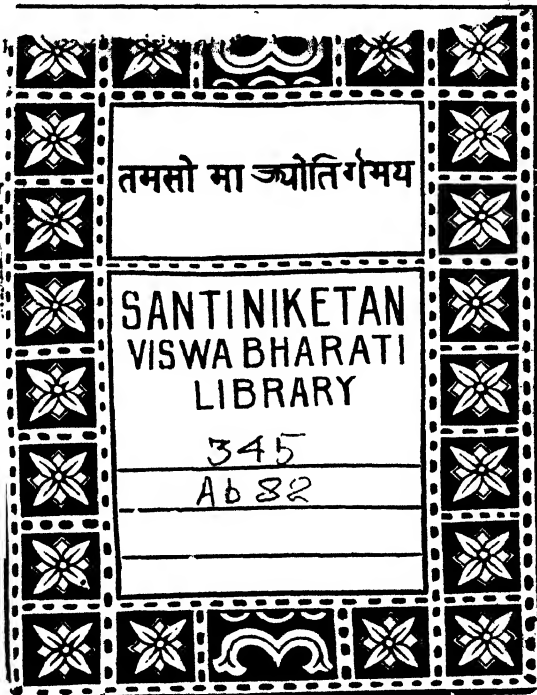


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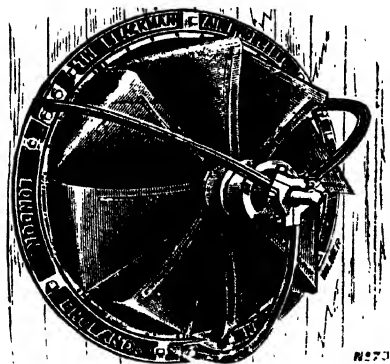
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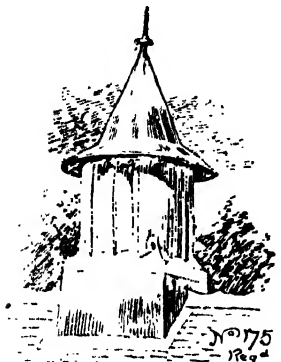
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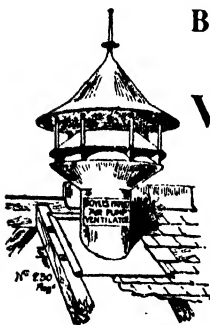
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Part I.
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TO THE
LAW AND ITS ADMINISTRATION

BY
MAY E. ABRAHAM
(MRS. H. J. TENNANT),
Formerly one of Her late Majesty's Superintending Inspectors of Factories.

Part II.
THE ACTS, WITH NOTES,
CONTAINING
THE FACTORY AND WORKSHOP ACT, 1901;
THE SHOPS REGULATION ACTS, 1892 TO 1904;
THE TRUCK ACTS, 1831, 1887, AND 1896;
OTHER ACTS AND PARTS OF ACTS RELATING TO
FACTORIES AND WORKSHOPS

WITH EXPLANATORY NOTES

BY
ARTHUR LLEWELYN DAVIES
Of the Inner Temple, Barrister-at-Law.
WITH AN APPENDIX, CONTAINING A FULL LIST OF REGULA-
TIONS MADE FOR DANGEROUS TRADES, AND OF ORDERS
MADE BY THE SECRETARY OF STATE IN VINA
COMPLETE INDEX TO BOTH PARTS.

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PREFACE TO THE FIRST EDITION

- The difficulty of ascertaining the law, on the subjects with which this book is concerned, arises mainly from two causes; first, the fact that the law is contained in three principal Acts and other minor Acts, which are to be read together as one, and the latter of which proceed largely by reference to the earlier; secondly, the practice of laying down the principal rules on any particular subject at the beginning of an Act, and supplementary rules on the same subject at a later point in the Act. The result is that the law on any particular subject may be scattered over a number of different sections, which have to be brought together and considered as a whole. The first part of this book aims at presenting the effect of the whole law in a coherent, clear, and accurate form. The principal object of the notes in the second part is to enable readers to bring together the scattered sections dealing with the same subject and to acquire a rapid mastery of their contents.

It is hoped that this book may be of practical service to employers of labour, and the index has been specially drawn to meet their requirements. Under the head of each of the various trades and processes will be found complete references to any special provisions which affect that particular trade or process. Attention is also drawn to the full list of Special Rules and Requirements for Dangerous Occupations printed in the Appendix, which, it is believed, have never before been published in a connected form.

The authors desire to express their thanks to R. E. Sprague Oram, Esq., C.B., Her Majesty's Chief Inspector of Factories, who has not only given them the benefit of

his advice during the progress of the work, but has very kindly revised the proof sheets of Part I. The book, however, has no official authority. Miss Abraham also wishes to express her acknowledgments to Miss Gertrude Tuckwell, and to Miss Lucy Deane, one of Her Majesty's Inspectors of Factories, for much valuable assistance.

January 1896.

M. E. A.

A. LL. D.

PREFACE TO THE SECOND EDITION.

Since the First Edition of this book was published in 1896 a new Truck Act has been passed, and there have been several important Orders by the Home Secretary, and decisions by the Courts, on the subject-matter of the book.

The principal importance of the Truck Act of 1896 lies in the attempt, which is now made for the first time, to regulate and control deductions from wages regarded simply as deductions, and not as substitutions by the employer of something in the place of wages. It seems not unlikely that the Act may be the starting point for further legislation in this direction. The Act also gives protection to shop assistants in the matter of deductions for fines, and imposes on factory inspectors the duty of enforcing all the Truck Acts for the benefit of laundry workers and outworkers. The Act is fully dealt with in Chapter XVI.

The most important cases decided in the past year are *Hindle v. Birtwistle*, which deals with the fencing of shuttles, and *Goldstein v. Vaughan*, which explains the conditions on which Sunday work is allowed in Jewish factories and workshops. These and other new cases will be found in their proper places in Part II.

The Orders made by the Home Secretary since the publication of the First Edition will also be found in Part II. The most important are the Order by which an exemption from the Truck Act, 1896, has been granted for the cotton weaving industry in Lancashire, Cheshire, Derbyshire, and the West Riding, the Order by which the Particulars section (s. 40 of the Act of 1895) has been extended, with certain modifications, to the making of handkerchiefs, aprons, pinafores, and blouses, and the Orders by which various processes have been certified to be dangerous under the Act of 1891. Special Rules (which are inserted in the Appendix of Special Rules) have at present been made only for two classes of these processes, viz., the mixing and casting of brass and certain other alloys, and the sorting of wool and hair, but further Special Rules for the other processes certified to be dangerous may be expected in the course of time.

The general plan of the book remains unaltered. A few corrections and alterations in matters of detail have been made on the suggestion of critics in newspapers and elsewhere, to whom we take this opportunity of tendering our thanks.

May 1897.

M. E. T.

A. L. D.



PREFACE TO THE THIRD EDITION.

In this edition the book has been brought up to date by the insertion of a considerable number of new Acts, Orders, Special Rules, and Cases.

The new Acts, which will be found in Part II., relate to Cotton Cloth Factories, the Education and Employment of Young Children, and Seats for Shop Assistants.

The Orders relate to Dangerous Trades, Different Meal Hours, and Employment during Meal Hours, Grinding in Tenement Factories, Humidity, Lists of Outworkers, Notification of Diseases, Overtime, Particulars of Wages, Prohibition of Meals in Certain Places,* and the Treatment of Separate Branches or Departments as Separate Factories or Workshops.

The Special Rules relate to Bottling of Aërated Waters, Dry and Drysalted Foreign and East Indian Hides and Skins, Transfer Making for Earthenware and China, the Vulcanising of India rubber by means of Bisulphide of Carbon, and Wool Combing. In addition to these Rules, the Rules for certain other Dangerous Trades have been revised. All the Rules now in force will be found in the Appendix of Special Rules.

More than thirty new Cases, decided during the last four years, are referred to in Part II. Many of these are cases decided by the Court of Appeal under the Workmen's Compensation Act. One of the kinds of employment to which that Act has its present restricted application is employment in a Factory, and Factory is there defined to have the same meaning as in the Factory Acts, and to include the premises specified in Section 23 of the Act of 1895 and also laundries worked by mechanical power. Accordingly the cases decided under the Workmen's Compensation Act throw valuable light on the meaning of Factory in the Factory Acts, and especially on the interpretation of Section 23 of the Act of 1895.

M. E. T.

A. LL. D.



PREFACE TO THE FOURTH EDITION.



The passing of the Factory and Workshop Act, 1901, has made considerable changes necessary in this edition, especially in Part II. The general arrangement of Part I. continues unaltered. That Part now contains a chapter on the effect of the new Act, in which all important changes in the law are indicated. The chapter on Legal Proceedings has been extended to include special reference to Scottish procedure. The changes in the law relating to Docks, etc., and to Bakehouses, and the new provisions which apply to Railways, are dealt with in the chapters on those subjects. A new chapter has been added on Cotton Cloth Factories.

Medical Officers of Health, Sanitary Inspectors, and all those interested in the provisions of the Act to be administered by local authorities, will find a special chapter devoted to their administration. The duties of Certifying Surgeons are also separately considered.

In the notes in Part II. reference is made to all cases relating to the subject of this book which have been decided since the publication of the third edition. A considerable number of recent decisions under the Workmen's Compensation Act, which illustrate the construction and effect of the Factory and Workshop Act, 1901, have been included. The book contains all Orders of the Secretary of State relating to factories and workshops, and a complete list of the Regulations for Dangerous Trades now in force.

The Index has been considerably enlarged. The authors desire to express their acknowledgments to Miss Samson for her valuable assistance in this task.

February 1902.

M. E. T.

A. L. D.

PREFACE TO THE FIFTH EDITION.

This edition contains the insertions which are necessary in order to bring the book up to date. In Part II. will be found the new Acts and parts of Acts which relate to the subject of the book, and also all new Orders and Regulations for Dangerous Trades.

The principal new Orders relate to Limewashing, Sanitary Accommodation, the Five Hours' Spell in Hosiery Factories, Fruit Preserving, Creameries, Women's Overtime, Night Work, Home Work, and Particulars.

The new Regulations relate to the manufacture of Felt Hats where any inflammable solvent is used, to File-cutting by hand, to the manufacture of Electric Accumulators, to the manufacture and decoration of Earthenware and China, and to the loading, etc., of Ships in Docks and similar places.

More than twenty new cases have been inserted in the Notes in Part II. Many of these cases were decided under the Workmen's Compensation Act, and throw light on the meaning of Sections 104 and 105 of the Factory and Workshop Act. The judgment of Mr. Justice Buckley in *Toller v. Spiers and Pond* shows plainly that Section 14 is inadequate for the purpose of securing means of escape in case of fire from buildings containing several factories on different floors, where it is particularly important that means of escape should be provided. An amendment of the law for this purpose appears to be desirable.

M. E. T.

A. LL. D.

March 1905.



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PART I.

**A PRACTICAL GUIDE
TO THE
LAW AND ITS ADMINISTRATION.**

CHANGES MADE BY THE ACT OF 1901.

IN 1901 two Bills were introduced into the House of Commons, the Factory and Workshop Acts Amendment Bill and the Factory and Workshop Acts Consolidation Bill. By the former of these Bills alterations in the existing law were proposed. The latter consolidated the existing law apart from the alterations so proposed. Both Bills were read a second time, and sent to the Standing Committee on Trade. The Amendment Bill duly passed through the Committee, various amendments and additions being made. Then, in accordance with an Instruction previously passed by the House, the Committee proceeded to consolidate the Amendment Bill, as amended in Committee, with the Consolidation Bill. The resulting combined Bill, the Factory and Workshop Acts Amendment and Consolidation Bill, was then reported to the House, and, certain further alterations having been made, was read a third time, and ultimately became law under the name of the Factory and Workshop Act, 1901. The result is that this Act comprises the contents of the earlier Acts which it repeals, as amended and extended by the Amendment Bill of 1901. The Amendment Bill itself was never passed into law, and its contents in its final shape are not easily accessible to the public. It is therefore thought that it may be useful to state briefly the principal amendments of the law which were contained in that Bill and then embodied in the final Act.

The most important change introduced by the new Act relates to the Regulations for Dangerous Trades, which take the place of the Special Rules and Regulations of the Act of 1891. The arbitrations to which, under the old

Dangerous
trades.

- law, individual occupiers of factories or workshops could require the Secretary of State to submit, before Special Rules could be made, are now abolished. It is now provided that the Secretary of State may make draft Regulations of a general character, affecting all factories and workshops (including domestic factories and workshops) in which there is used any manufacture, machinery, plant, process or description of manual labour certified by him to be dangerous. In their application to tenement factories and workshops they may impose duties on occupiers who do not employ any person, and on owners. If objection is made within the prescribed time to any of the draft Regulations, he may amend or withdraw them. If he does not do so, then, unless the objection is withdrawn or appears to him to be frivolous, he is required to direct an inquiry to be held on the subject. There is no express obligation on the Secretary of State to abide by the result of the inquiry or the report made to him. Under the new Act the Regulations may prohibit, limit, or control the use of any material or process. They may also modify or extend any special regulation for any class of factories or workshops contained in the Act itself. Any specified class of factories or workshops may be exempted either absolutely or subject to conditions.
- Outworkers' lists.**
s. 107.
- Several amendments have been made in the law relating to outworkers' lists. The lists must now be sent to the district council (in London, the court of common council or the borough council). The lists need not, as before, be sent as a matter of course to the factory inspector, but only such copies or extracts as he requires. (a) No addition has been made to the strictly defined classes of work (specified by Special Order of the Secretary of State) in which these lists must be kept, but the requirement is made to apply to all places (not only factories and workshops) from which work of any of the specified kinds is given out. New power is given to the district council to prohibit altogether the giving out of work relating to clothes, to be done in places where there is infectious disease.
- s. 107, subs. (4).
- Prohibition of work in places where there is infectious disease.**
s. 110.
- (a) Addition has since been made. See Appendix of Orders.

The powers given to the factory inspector under s. 5 of the Act of 1895, in the attempt then made to regulate the sanitary condition of premises on which outworkers are employed are now transferred in an amended form to the district council.

Outwork in unwholesome premises.
s. 108.

Medical Officers of Health are now required to report annually to their district council upon the administration of the Factory Act in workshops and work places, and to send a copy of the report to the Secretary of State.

Report of Medical Officer of Health on administration of Factory Act.
s. 132.

Additional sanitary provisions of two kinds are made for factories and workshops. First there is a general requirement that throughout all factories and workshops sufficient means of ventilation shall be provided and sufficient ventilation shall be maintained, and the Secretary of State has power (which he has exercised (a)) to prescribe standards of sufficient ventilation. Secondly, wherever any process is carried on which renders the floor liable to be wet, adequate means must be provided for draining the floor, so far as is practicable.

Ventilation.
s. 7.

Drainage of floors.
s. 8.

It is now laid down that the means taken to secure and maintain a reasonable temperature (first required in 1895) must not interfere with the purity of the air. And by Special Order the Secretary of State may require thermometers in any class of factories or workshops.

Temperature.
s. 6.

The principal alteration which affects machinery is found in a new section designed to prevent accidents from steam boilers. For every steam boiler a proper steam valve, steam gauge, and water gauge must be provided, which must (as well as the boiler itself) be maintained in proper condition. Also there must be a thorough examination of every steam boiler by a competent person at least once in every fourteen months, and a signed report of the result of the examination must be kept in the general register of the factory or workshop.

Steam boilers.
s. 11.

The restrictions placed upon the cleaning of machinery are strengthened by a new provision which forbids children to clean any place under any machinery other than overhead mill gearing while the machinery is in motion. On

Machinery.
s. 13,
subs.(1),(6).

(a) See note (b) p. 14.

- s. 12, the other hand, the regulations for self-acting machines have
subv. (1). been relaxed.
- Fire. With regard to means of escape from fire, it is provided
s. 14. that they must be maintained in good condition and free
 from obstruction, and the old restriction of protection to
 persons employed above the ground floor is removed. In
s. 15. addition, powers are given to district councils to make
 bye-laws providing for means of escape from fire in factories
 and workshops.
- Raising of age The most noticeable changes in matters relating to em-
to 12. ployment are the raising of the age at which children may
s. 62. begin work to 12, and the shortening, by an hour, of the
 period of employment in textile factories on Saturday. In
Half holiday in practice the first change affects Ireland only, as it had
textile fac- already been effected for England by the Elementary
tories. Education (School Attendance) Act (1893) Amendment Act,
s. 24. 1899, and was due for Scotland on the same date by the
 Education (Scotland) Act, 1901.
- Railway lines Railway lines and sidings used in connection with
and sidings,¹ factories and workshops are brought under the Act so far
s. 106. as concerns certain specified provisions of the Act.
- Docks. The law relating to docks has been extended. The
s. 104. restriction which confined its application to the processes
 of loading and unloading when from or to a dock, wharf,
 quay, or warehouse, has been removed. The process of
 coaling has been added; and the special provisions, selected
 for application in 1895, now apply to the machinery or
 plant used in these three processes in their relation to any
 ship in any dock, harbour or canal. "Plant" is defined to
 include any gangway or ladder used by anyone loading,
 unloading, or coaling. Incidentally the extent of the
 Compensation Act is widened.(a)
- Laundries. A considerable amendment of the provisions relating to
 laundries was originally proposed in the Amendment Bill.
 The effect of this amendment would have been to bring
 laundries generally under the Act, as either factories or
 workshops, with certain specified exceptions, instead of

(a) See note (a) p. 169.

making them subject only to specified provisions of the Act, as under the old law. In Committee this amendment was strengthened in respect of general laundries, but at a late stage in the history of the Bill the laundry clause was withdrawn, and the old law on the subject was left unaltered.

The law has been made prospectively more stringent with regard to underground bakehouses. After January 1, 1904, it will be unlawful to use any underground bakehouse at all unless it is certified by the district council to be suitable. If the district council refuse to certify, an appeal is given to a court of summary jurisdiction. Since 1895 it has been unlawful to set up any new underground bakehouse, so that the new enactment will apply only to old bakehouses.

Bakehouses.
s. 101,
subs. (2).

In any room in a factory or workshop in which lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, no meal must be taken, and no person must be allowed to remain there during meal-times. Arrangements must be made by which meals can be taken elsewhere in the factory or workshop.

Meals in dangerous trades.
s. 75.

In the Particulars section a new sub-section has been added applying to weavers in the cotton trade. Not only must particulars, in writing, of the rate of wages be furnished to each weaver in the cotton trade at the time when the work is given out to him, but also the basis and conditions by which the prices are regulated and fixed must be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible. The Secretary of State is also empowered to require that Particulars be supplied to those outworkers of whom a list must be kept.

Particulars.
s. 116,
subs. (1), (b)

s. 116,
subs. (5).
s. 107.

By the old law certain processes of an urgent character in fish curing and fruit preserving were entirely exempt from the Acts. Now these processes (the limits of which are altered in the case of fish curing) are exempted only from the provisions of the Act as to periods of employment, meal-times, and holidays for women and young persons. In the case of fish curing the exemption may be made

Fish curing and fruit preserving.
s. 41.

Creameries.
s. 42.

subject to such conditions as the Secretary of State has power to impose with regard to all exceptions. In the case of fruit preserving the Secretary of State has still wider powers to impose conditions.(a) Power is also given to the Secretary of State (which he has exercised (b)) to vary, within defined limits, the periods of times of employment and meal times for women and young persons employed in creameries, and to sanction their employment for three hours on Sundays and holidays.

Crown factories and workshops.
s. 150.

The exemption in favour of Crown factories and workshops, which may be granted by the Secretary of State in case of public emergency, is now extended to factories and workshops in which work is being done on behalf of the Crown. The exemption in this case applies only in respect of the work which is being so done, and the work must be specified in the order of the Secretary of State. The powers given by the Act to district councils and other local authorities are, in the case of a Crown factory or workshop, to be exercised by the factory inspector.

General register.
s. 129.

It is now made compulsory to keep a General Register in factories and workshops. This takes the place of separate registers of particular matters which were formerly required.

Disqualification of justice.
s. 144,
subs. (5).

No one who is engaged in the same trade as any person charged with an offence under the Act, or who is an officer of any association of persons engaged in that trade, may now take part in the hearing of the case.

s. 161.

In the new Act there are various improvements in matters of form and arrangement. In particular, the bulk of the schedules is considerably reduced. It is expected that ultimately all the Orders of the Secretary of State will be rescinded and re-made in a more convenient form. Till this is done it is provided by the repeal section that all Orders, as well as all Special Rules and Regulations, made under the Acts now repealed are to continue to have effect as if made under the present Act.

(a) For the conditions imposed *see* Appendix of Orders hereafter.
(b) *See* Appendix of Orders hereafter.

CHAPTER I

GENERAL VIEW OF THE LAW.

The law relating to Factories and Workshops is to be found in the Factory and Workshop Act, 1901. From the beginning of this century a large number of statutes had been passed on this subject, dealing first (in 1802) with "the preservation of the health and morals of apprentices and others," then (in 1833) with the regulation of the labour of children and young persons, and afterwards, by degrees, with all the matters which form the subject of the present law. In the year 1878 all these enactments were consolidated in a single statute: in 1883, 1891, and 1895, amending Acts were passed, and now all have been consolidated in the Act of 1901.

The places to which the Act applies are either factories or workshops. It has limited application to four(α) classes of works which for certain provisions, and under certain conditions, are given rank as factories and workshops. These are laundries; docks, wharves, quays and warehouses; buildings in course of construction or repair; and railway lines or sidings used in connection with a factory or workshop.

The general distinction between factories and workshops is that in the former machinery is used, worked by steam, water, or other mechanical power; in the latter it is not. But there is a list of 20 classes of works, 18 of which are defined to be factories and not workshops, whether mechanical power is used in them or not.

Factories are divided into textile and non-textile factories. The term "textile" applies to factories where mechanical power is used to work machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow,

Consolidation
of previous
enactments in
1901.

Application of
Act.
s. 149.

s. 103.
s. 104.
s. 105.
s. 106.

Distinction
between
factories and
workshops.
s. 149.
Sched. 6.
Part 1.

Distinction
between textile
and non-textile
factories.
s. 149.

(α) The first three were added in 1895; the fourth in 1901.

Sched. 6,
Part 2.

china-grass, cocoa-nut fibre, or other like material. But certain works where these materials are dealt with are specially excepted, and declared not to be textile, namely, print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works. Under the definition of non-textile factories, there are the 18 classes of works referred to above, which are factories whether mechanical power is used there or not, and there are also 8 other classes of works which are specifically defined as being non-textile factories if mechanical power is used there. But the bulk of non-textile factories come under their general definition as premises (other than textile factories) where any articles are made, altered, repaired, ornamented, finished, or adapted for sale, by means of manual labour exercised for gain, if mechanical power is used on the premises. The chief practical distinctions made in the Act between textile and non-textile factories relate to the hours of labour of children, young persons, and women, and are to the effect that in non-textile factories the hours on Saturday are longer, and the intervals for meals on other days are shorter, than in textile factories; that overtime employment is allowed in special cases in non-textile factories, but never in textile factories, except in the case of a warehouse forming part of a textile factory; and that the length of time allowed for continuous employment, without an interval of half an hour for a meal, is five hours in non-textile factories, and four and a half hours in textile factories.

Domestic fac-
tories.
s. 115.

s. 111.

If any of the 18 classes of works mentioned in Schedule VI., Part I., as factories (whether mechanical power is used there or not) are private houses, places, or rooms where no power is used, and in which the only persons employed are members of the same family dwelling there, they are then domestic factories, and are subject to special regulations with regard to hours of labour. They are not subject to the provisions of the Act which relate to the sanitary condition of a factory; to the means of ventilation, thermometers and the drainage of floors; to meal times, holidays, notices of accidents, affixing

notices,(a) or keeping a general register. The provisions which relate to certificates of fitness apply only as if the factory were a workshop.

A tenement factory is a building which contains several factories, separately occupied. Before 1895 the owner of the whole building escaped responsibility : then he became and is now answerable, instead of the occupiers of the various parts, for the sanitary condition of the whole, the fencing of all machinery not supplied by the occupiers, and certain other matters falling properly under his control. He may also be made responsible for the observance of regulations relating to dangerous trades.

Tenement
factories.
s. 149.
s. 87.

s. 82,
subs. (2).

Workshops are defined generally as places, not being factories, where any articles are made, altered, repaired, ornamented, finished, or adapted for sale, by means of manual labour exercised for gain. There is a list of eight classes of works, which are non-textile factories if mechanical power is used there, but which are defined to be workshops if no mechanical power is used there. But these would all be included under the general definition given above. Workshops generally are subject to the same regulations as non-textile factories with regard to hours of labour. As far as their sanitary condition is concerned, workshops are subject to the control of the local authority, not to that of the factory inspector. In other respects, with slight miscellaneous exceptions, they are on the same footing as factories in general, but of course the provisions of the Act which relate to machinery have no application in workshops.

Meaning of
"workshop."
s. 149.

Sched. 6,
Part 2.

There are four special classes of workshops which are for certain purposes distinguished from ordinary workshops. First, domestic workshops, that is, private houses, places, or rooms, where no power is used, and in which the only persons employed are members of the same family dwelling there, are, like domestic factories, subject to special regulations with regard to hours of labour, and not subject to

Special kinds
of workshops.

Domestic
work shops.
s. 115.

s. 111.

-(a) The Secretary of State may give notice of the provisions which apply to domestic factories and workshops by publication of the Abstract, or as he thinks fit.

the provisions of the Act which relate to meal times, affixing notices, holidays, notices of accidents, keeping a general register, the means of ventilation, thermometers, and the drainage of floors.^(a) Secondly, workshops conducted on the principle of not employing children or young persons are separately treated in one respect; the hours of labour allowed for women are different from their hours of labour in ordinary workshops. Thirdly, workshops conducted on the principle of not employing children, young persons, or women are expressly excluded in large measure from the operation of the Act. The provisions which are applied include those which relate to inspectors' powers, fines, legal proceedings, notification of diseases, outworkers' lists, regulations for dangerous trades, dangerous premises, escape from fire, accidents (except registration), and steam boilers. Fourthly, tenement workshops in which the owner as well as the occupier of the whole workplace may be made responsible in respect of such matters as may be specified under regulations for dangerous trades. A tenement workshop is a place in which, by arrangement with the owner or occupier, two or more persons carry on work which if they were in the employment of either would constitute the place a workshop. As far as their sanitary condition is concerned the two last classes of workshops are in the same position as ordinary workshops, since the Public Health Acts make no distinction between the various classes of workshops.

Workshops for
adults only.
s. 29.

Workshops for
male adults
only.
s. 157.

Tenement
workshops.
s. 82.
s. 149.

Outworkers.
s. 108.

An attempt is also made to regulate the sanitary condition of premises on which outworkers are employed. The provisions on this subject do not come into effect until a Special Order has been made by the Secretary of State specifying any particular classes of work ^(b) to which they are to apply. So far as these provisions are brought into effect, an employer is made responsible, under certain circumstances, for the condition of the places in which his

(a) See note (a) p. 9.

(b) For the classes of work so specified in Special Order dated December 11, 1901, see p. 66.

outworkers carry on work. Somewhat similar provisions, designed for the protection rather of the general public than of the workpeople, regulate the giving out of certain classes of work to houses in which there is infectious disease.

s. 109.
s. 110.

It may be noted that while some classes of factories and workshops are subject to additional regulation—for example, those in which dangerous and unhealthy trades are carried on, cotton cloth and other humid factories, bakehouses, and tenement factories in which cutlery is ground—others, such as fish and fruit preserving factories, are partially exempted from the provisions of the Act; and others, again, in the class of domestic workshops, are wholly exempted. The workshops which are wholly exempted are those where pillow lace making, straw plaiting, and glove making are carried on. The Secretary of State may extend this exemption to work similarly light in character; and now, where work is exercised only at irregular intervals in what would otherwise be a domestic workshop, the Act does not apply. Crown factories, and factories in which work is being done for the Crown, may be exempted in case of any public emergency. There are, of course, minor distinctions which are considered elsewhere.

Treatment of special classes of work.
ss. 73 to 86.

ss. 90 to 96.
ss. 97 to 102.

s. 41.

s. 114.

s. 150.

The whole of the existing regulations for factories and workshops may be roughly divided into two main groups, the first dealing with the state of the premises where the work is done, and of the machinery (if any) on the premises, and designed to protect the health and safety of the workers; and the second, laying down the conditions of employment. The first group, being general in its application, affects all classes of workers, male and female, adult and juvenile alike. The second group, with a few comparatively unimportant exceptions, does not at present apply to male adults, but only to classes consisting of children, young persons, and women. Children may not be employed under the age of 12, and continue to be children, within the meaning of the Act, till they are 14. Young persons extend from 14 to 18 years of age.

Division of regulations into two groups.

The regulations included in the first group are chiefly concerned with the sanitary condition of factories and

Sanitary condition.

workshops, and the safety of the workpeople. Under the former head are comprised the following subjects, namely, cleanliness, freedom from noxious effluvia, cubic space in rooms, ventilation, drainage of floors, sanitary conveniences, temperature, and humidity of air. Regulations for safety deal with the condition, the fixing, and the fencing of machinery, with protection against fire, and with the framing of regulations for dangerous trades.

Safety.

Accidents. Under this head also come regulations prescribing the steps to be taken in case of accidents or poisoning occurring in a factory or workshop, the notices which must be given, the reports which must be made, and the inquiries which may take place. Further, there are provisions determining the employer's liability to make compensation to a workman suffering injury in consequence of a breach of the Act, or of any regulation made under the Act, by the employer.

Compensation for injury.

Conditions of employment. The regulations included in the second group, relating to conditions of employment, determine the limits of hours of labour for children, young persons, and women in various factories and workshops, and the conditions under which overtime employment is lawful, fix the holidays which must be allowed to the same classes of workers, and impose on the employer the duty of seeing that children in his employment duly attend school (unless specially exempted), and that children and young persons under 16 are medically certified to be fit for work before they enter his service.

Particulars of work and wages. Important provisions which do not come under either group require particulars of work and wages to be furnished to workpeople in order that they may be able to calculate the amount of wages due to them. They apply to all textile factories, and may be extended by the Secretary of State, by Special Order,^(a) with the necessary modifications, to non-textile factories or to workshops, or to outworkers of whom lists are required to be kept.

s. 116.

Administration of the law. The number of registered places to which the Act applied in 1903 was 100,441 factories, and 139,691 workshops; 2,287 factory laundries, and 4,448 workshop laun-

(a) For extensions, see Appendix of Orders.

dries; 2,472 docks, wharves, quays, and 4,524 warehouses. For the enforcement of the law in these places throughout the United Kingdom, factory inspectors are appointed by the Secretary of State. In 1904 the staff consisted of a Chief Inspector, a Deputy Chief Inspector, 6 Superintending Inspectors, 93 Inspectors, with 36 assistants; 1 Principal Lady Inspector, 9 (a) Lady Inspectors, 1 Medical Inspector, 1 Electrical Inspector, 1 Inspector and 4 Assistant Inspectors of Textile Particulars. All inspectors under the Act have full powers to enter factories and workshops by day or by night, and any person who delays or obstructs an inspector is liable to punishment. Other officials charged with administrative duties under the Act are the Certifying Surgeons, who are appointed for particular districts by the Chief Inspector of Factories, and whose duties are to examine children and young persons with a view to granting to them certificates of fitness for employment, and to investigate and report on accidents and poisoning occurring in a factory or a workshop. At the end of 1903 their number was 1,976. The general administration of the Act is largely under the control of the Secretary of State for the Home Department, who has extensive powers of determining the limits within which particular provisions of the Act are to be in operation. In the event of breaches of any provisions of the Act, penalties are imposed which may be recovered before courts of summary jurisdiction, and factory inspectors are empowered to take proceedings to recover the penalties.

Inspectors.

Certifying
surgeons.The Secretary
of State.

Penalties.

CHAPTER II.

SANITARY PROVISIONS.

Under this head it will be convenient to treat factories and workshops separately, since the main part of the law which governs them is contained in different Acts and administered by different authorities. At the end of the chapter will be found certain miscellaneous sanitary provisions with regard to which workshops are on the same footing as factories.

Distinction
between
factories and
workshops.

(a) Two of whom were temporary.

A.—Factories.

Law relating to
factories.

The sanitary conditions required fall under four heads, (a) cleanliness and freedom from effluvia, (b) overcrowding, (c) ventilation, (d) drainage of floors.

Cleanliness,
&c.

s. 1.

(a.) *Cleanliness, &c.*—It is required generally that a factory shall be kept in a cleanly state, and that it shall be free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance. In particular all inside walls and ceilings or tops of rooms in a factory, and all passages and staircases, must either be painted with oil or varnished at least every seven years, and also washed with hot water and soap at least every 14 months, or if they are not so painted or varnished and washed they must be limewashed at least every 14 months. The Secretary of State may exempt any class of factories from these special regulations as to painting and limewashing, if they appear to him to be unnecessary or inapplicable.(a)

Limewashing.

s. 1.

all inside walls and ceilings or tops of rooms in a factory, and all passages and staircases, must either be painted with oil or varnished at least every seven years, and also washed with hot water and soap at least every 14 months, or if they are not so painted or varnished and washed they must be limewashed at least every 14 months. The Secretary of State may exempt any class of factories from these special regulations as to painting and limewashing, if they appear to him to be unnecessary or inapplicable.(a)

Overcrowding.

s. 1.

s. 3.

(b.) *Overcrowding.*—A minimum space is required in each room of 250 cubic feet for each person employed, or during overtime of 400 cubic feet. The Secretary of State may modify this proportion for any period when artificial light (other than electric light) is used, and may require a larger space to be allowed in the case of any particular process or handicraft. A notice must be affixed showing the number of persons who may be employed in each room. If there is less space in any room than the minimum required, the factory is deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed there.

Ventilation.

s. 1.

s. 7.

(c.) *Ventilation.*—A factory must be so ventilated as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the work that may be injurious to health. In every room there must be sufficient means of ventilation and sufficient ventilation must be maintained. The Secretary of State may prescribe a standard of ventilation (b) for any

(a) For a list of factories so exempted, in whole or in part, see Appendix of Orders.

(b) An Order dated February 4, 1902, has been made requiring 600 cubic feet of fresh air per hour for each person employed in humid textile factories (other than cotton cloth factories) not under Special Regulations as to humidity.

class of factories, and his Special Order prescribing the standard may supersede any provision of the Act.

(d.) *Drainage of floors.*—In every part of a factory in which there is a process that renders the floor liable to be wet, adequate means of drainage must be provided if the wet is sufficient in degree to be capable of drainage.

Drainage of floors.
s. 8.

The authority charged with the duty of seeing that the above-mentioned rules are carried out in a factory is the factory inspector for the district. His position, powers, and duties are explained in Chapter XVIII.

Administration of law in factories.

B.—*Workshops.*

As far as sanitary provisions are concerned, the Act of 1891 excluded workshops from the operation of the Factory Acts, and brought them under the Public Health Acts. The regulations and requirements of the Public Health Acts on this subject, as supplemented by section 2 of the Act of 1901, are nearly the same as those of the Factory Act relating to the sanitary condition of factories, which are set out above under the three heads of cleanliness and freedom from effluvia, overcrowding, and ventilation (*see note (a)*, p. 113). The only difference in the case of workshops is that the special regulations as to painting and limewashing, which are set out above under the head of "cleanliness," do not apply. It is provided instead that the district council may give notice to the owner or occupier of a workshop, requiring him to limewash, cleanse, or purify the workshop or part of it, if this appears necessary for the health of the workers. If the owner or occupier makes default he is liable to a fine of 10s. per day, and the district council may do the necessary work at his expense.

Provisions of Public Health Acts.

Limewashing.

s. 2,
subs.(3),(4).

The requirements of the Public Health Acts are further supplemented by the following sections of the Factory Act: by section 3, which defines overcrowding, (a) requires a notice to be affixed showing the number of persons who may be employed in each room, and empowers the Secretary of State to require an increased allowance of space where artificial light (other than electric light) is used for lighting purposes, and also where a workshop or workplace

Supplementary provisions of Factory Act.
Overcrowding.

Ventilation. (not a domestic workshop) is used as a workshop by day and as a sleeping apartment by night; (a) by section 7, which provides for sufficient ventilation, and for a standard of ventilation to be prescribed by the Secretary of State; (b) and by section 8, which provides for the drainage of floors.

Drainage of floors.

Administration of law in workshops.

The chief importance of the alteration effected by the Act of 1891, in bringing workshops under the Public Health Acts, lies in the means by which the law is enforced. The controlling authority for workshops now is the district council (in London the court of common council or the borough council), acting by their officers, the medical officer of health, and the inspector of nuisances, who have for this purpose the powers of factory inspectors. A breach of the law on this subject is declared to be a nuisance, and may be dealt with summarily under the Public Health Acts. The district council are required to keep a register of the workshops in their district, and the medical officer of health is required to report annually to the council on the administration of the Factory Act in the workshops and workplaces in the district. A copy of this report must be sent to the Secretary of State.

Order of Secretary of State in case of general default.

s. 4.

There are two cases in which, if the district council are in default in executing the law relating to workshops, the factory inspector may take action. First, if the Secretary of State is satisfied that the provisions of the Factory Act, or of the Public Health Acts, so far as they affect factories, workshops, and workplaces, are not carried out by any district council, he may by Order authorise a factory inspector to take the necessary steps for enforcing those provisions during such period as may be stated in the order. In this case a factory inspector has the same powers as under the Factory Act, he may take any proceedings which might be taken by a district council, and he may recover the expenses from the district council in default.

Action by factory inspector in case of particular default.

s. 5.

Secondly, in case of any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water supply, nuisance, or other matter in a factory or

(a) A Special Order dated January 1902 substitutes a requirement of 400 for 250 cubic feet of space in the case of such workshops.

(b) See note (b) p. 14.

workshop which can be dealt with under the Public Health Acts but not under the Factory Act, the factory inspector may give notice to the district council, and in case the district council fail to take proceedings within a month to enforce the law, the inspector may take any proceedings which might be taken by the district council, and may recover the expense of successful proceedings from the district council. The district council are required to inform the inspector of any proceedings taken by them in consequence of the inspector's notice.

It will be observed that the second of the above cases would apply to a defect of a structural nature in a factory, such as would ordinarily not come within the scope of an inspector's powers.

In the case of a factory or work-shop belonging to, or in the occupation of, the Crown, the powers conferred on the district council by the Factory Act are to be exercised instead by the factory inspector.

Crown
factories and
workshops.
s. 150,
subs. (3).

In addition to the general sanitary provisions already mentioned, with regard to which factories and workshops are subject to different authorities, there are certain special sanitary provisions. They are enforced by the factory inspector and in all cases but those in paragraph (2) they apply to factories and workshops alike. They are as follows:—

(1.) Adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, and the measures taken must not interfere with the purity of the air. The Secretary of State may, by Special Order, require thermometers to be provided and maintained (except in domestic factories and workshops).

Temperature.
s. 6.
s. 111,
subs. (4), (e).

(2.) A limit is set to the amount of atmospheric humidity permitted in textile factories in which such humidity is artificially produced, by the application, in a modified form, of the provisions for cotton cloth factories. (a) But these provisions do not apply if the factories are already subject to special regulations in respect of humidity.

Atmospheric
humidity.
s. 96.

Ventilation
by fan.
s. 74.

(3.) In a factory or workshop in which there is carried on grinding, glazing, or polishing on a wheel, or any process by which either dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, an inspector may require a fan or other mechanical means of ventilation to be provided, maintained, and used, if he thinks that the inhalation can be largely prevented by such means.

Sanitary
conveniences.
s. 9.

(4.) There must be a sufficient and suitable supply of sanitary conveniences, and where persons of each sex are employed there must be separate accommodation for each sex. The Secretary of State shall, by order, (a) determine what is suitable and sufficient accommodation.

Authorities to
enforce supply
of sanitary
conveniences.

A similar obligation to supply sanitary conveniences is also imposed by s. 22 of the Public Health Acts Amendment Act, 1890, in places where that section is in force, that is to say, in boroughs and urban districts in England and Wales, where the borough or district council have adopted the part of the Act containing that section. In such boroughs and urban districts the enforcement of the obligation is in the hands of the district council, and the factory inspector has no powers or duties in the matter. In London the similar provisions of s. 38 of the Public Health (London) Act, 1891, have effect, but elsewhere in England and Wales, and in the whole of Scotland and Ireland, it is the duty of the factory inspector to require the supply of sufficient and suitable sanitary conveniences.

It will be observed that the person responsible, under the provisions enumerated in this chapter, for the sanitary condition of a factory or workshop, is the actual occupier of the factory or workshop, except in tenement factories, where under s. 87 the owner is substituted for the occupier. But in all cases the occupier may, if he alleges that the cost, or any of it, of providing the means of ventilation required ought to be borne by the owner, apply to a court of summary jurisdiction, and the court may make an order apportioning the expenses.

Cost of means
of ventilation.
s. 7.

(a) For the Order made see Appendix of Orders hereafter.

CHAPTER III.

SAFETY.

(a.) *Machinery.* | (h.) *Fire.*(a.) *Machinery.*

The Act requires special precautions to be taken with regard to cleaning when machinery is in motion; with regard to employment about a self-acting machine; with regard to the fencing of machinery; and with regard to steam boilers.

Machinery is of two kinds, mill-gearing, by which power is transmitted, (a) and the manufacturing part, by which the work is actually done. Children may not be allowed to clean (a) any part of machinery of either kind, while it is in motion by the aid of steam, water, or other mechanical power; or (b) any place under any machinery, other than overhead mill gearing, while the machinery is so in motion. Young persons may not be allowed to clean any dangerous part of machinery of either kind, while it is so in motion. There is a presumption (until the contrary is proved) that any part is dangerous, if the inspector notifies it to the occupier to be dangerous. There is no restriction on the cleaning by women of the manufacturing part of machinery. Neither young persons nor women may be allowed to clean any part of mill-gearing while it is in motion for the purpose of propelling any part of the manufacturing machinery.

Children, young persons, and women may not be allowed to work between the fixed and traversing parts of a self-acting machine, while the machine is in motion by the action of steam, water, or other mechanical power. No person employed in a factory (of whatever age or sex) may be allowed to be in the space between the fixed and traversing parts of a self-acting machine, unless the machine is stopped with the traversing part on the outward run, but that space does not (for the present

Cleaning
machinery,
and under it.
s. 13.

Self-acting
machines.
s. 12,
subs. (3).
s. 12,
subs. (2).

(a) See definition of "mill-gearing," s. 156.

s. 12,
subs. (1).

purpose) include the space in front of a self-acting machine. In any factory erected after the beginning of 1896, the traversing carriage of a self-acting machine may not be allowed to run out within 18 inches of any fixed structure not being part of the machine, if any person is liable to pass over the space over which it runs out. But it is expressly stated that this prohibition does not include the traversing carriage of any self-acting cotton spinning or woollen spinning machine, any portion of which may run out within 12 inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

Fencing of
machinery.
s. 10.

The following parts of machinery in a factory must be securely fenced :—

- (1.) Every hoist or teagle ;
- (2.) Every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not ;
- (3.) Every part of any water wheel or engine worked by steam or water or other mechanical power ;
- (4.) Every wheel-race not otherwise secured ;(a)
- (5.) Every part of the mill-gearing ;(b)
- (6.) All dangerous parts of the machinery of whatever kind.

The machinery under the first four of the above heads must be fenced whatever may be its position or construction. Under heads (5) and (6), fencing is unnecessary if the mill-gearing or other machinery is in such position or of such construction as to be equally safe to every person working in the factory as it would be if it were securely fenced.

Fencing to be
maintained.
s. 10,
subs.(1),(d).

All fencing must be constantly maintained in an efficient state, while the parts required to be fenced are in motion or use, except when they are under repair, or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating, or for altering the gearing or arrangements of the parts of the machine.

(a) The fencing must be close to the edge of the wheel-race.
(b) See definition of "mill-gearing," s. 156.

Every steam boiler must be provided with a proper steam valve, steam gauge, and water gauge, which must, as well as the boiler itself, be maintained in proper condition. The boiler must be thoroughly examined at least once in every fourteen months and a signed report of the result of the examination must be kept in the general register of the factory or workshop. The only steam boilers excluded from these requirements are (a) those belonging to and used by a railway company (b) those belonging to or used exclusively in the service of the King. In the case of a tenement factory or workshop the owner, instead of the occupier, is responsible, and the whole tenement factory or workshop is taken as one factory or workshop.

Steam boilers.
s. 11.

There are two cases in which, on application being made by an inspector, a court of summary jurisdiction may interfere, by means of summary prohibitions, to protect the safety of workpeople. The first is the case of any part of the ways, works, machinery, or plant (including a steam boiler) used in a factory or workshop which cannot be used without danger to life or limb. The court may either absolutely prohibit the use of such part or parts, or require repairs or alterations to be made, and prohibit the use of such part or parts till they are made. In case of imminent danger to life the court may make an interim order prohibiting the use of the machine, either absolutely or subject to conditions, until the case can be heard and determined.

Prohibition of
use of
dangerous
machine.
s. 17.

The second case in which an order of summary prohibition may be obtained is the case of any premises used as a factory or workshop (or as part of a factory or workshop), which are in such a condition that any manufacturing process or handicraft carried on there cannot be carried on there without danger to health, life, or limb. In such a case the court may prohibit the use of the premises for the purpose of that process or handicraft, until the necessary steps have been taken to remove the danger. But proceedings may not be taken under this provision in cases where the district council have power to act under the

Prohibition
of use of
unhealthy or
dangerous
premises.
s. 18.

Public Health Acts, unless the district council have made default, and the inspector is consequently empowered to act in their place (*see* pp. 16 and 17). This provision would apply to danger arising from defective condition of walls or ceilings or other parts of the structure, or from inadequate ventilation.

(b.) *Fire.*

The provisions of the Act which require precautions to be taken against fire in factories and workshops make a distinction between old and new buildings.

Precautions
against fire in
new factories
and workshops
s. 14,
subs. (1).

Every factory erected since January 1, 1892, and every workshop erected since January 1, 1896, in which more than 40 persons are employed, must be furnished with a certificate from the district council (in London from the county council) that reasonable provision has been made for the escape, in case of fire, of all persons employed. The certificate must specify in detail the means of escape provided. It is the duty of the district council (or county council) to examine every such factory and workshop, and to supply the certificate if they are satisfied that reasonable provision has been made.

Doors to open
outwards.
s. 16,
subs. (2).

In every factory or workshop erected after January 1, 1896, the doors of each room in which more than 10 persons are employed must, except in the case of sliding doors, be constructed so as to open outwards.

Precautions
against fire in
old factories
and workshops.
s. 14,
subs. (2), (3),
(4).
sched. 1.

With regard to every factory erected before 1892, in which more than 40 persons are employed, and every workshop erected before 1896, in which more than 40 persons are employed, it is the duty of the district council (in London of the county council) to ascertain whether the factory or workshop is provided with reasonable means of escape, in case of fire, for all persons employed. If the district council (or county council) find that any such factory or workshop is not provided with such reasonable means of escape, it is their duty to serve notice on the owner, requiring him to take before a certain day the necessary steps for providing proper means of escape. The owner is authorised to take the necessary steps in

spite of any agreement with the occupier, and any question arising between the owner and the occupier as to whether the occupier should bear or contribute towards the expense of complying with the notice may be settled in the county court for the district. In case of a difference of opinion between the owner and the district council (or county council) either party may, on application within a month after the time when the difference arises, require the matter to be referred to arbitration. The arbitration is to be conducted according to the rules in the first schedule. The award may either discharge, amend, or confirm the notice. If there is no difference of opinion or if the notice is confirmed or amended by the award, the owner is required, under penalty to comply with the requirements of the notice.

If the district council (or county council) fail to perform their duty with regard to requiring proper means of escape from fire, the factory inspector may give notice to them, and in case they fail to take the proper steps within a month, the inspector may take the proceedings which they might have taken, and recover the expense from them. The district council (or county council) are required to inform the inspector of any proceedings taken by them in consequence of the inspector's notice.

Action by
inspector on
default by
district
council.
s. 14,
subs. (5).

While any person is within a factory or workshop for the purpose of employment or meals, neither the external doors, nor the door of any room in which any such person is, may be locked, bolted, or fastened in such a manner as not to be easily opened from the inside.

Doors not to
be fastened on
the outside.
s. 16,
subs. (1).

The means of escape must be maintained in good condition and free from obstruction.

Maintenance
of means of
escape.
s. 14, subs. (6).
Responsibility
in tenement
factory or
workshop.
s. 14, subs. (7).

In the case of a tenement factory or workshop the owner is responsible instead of the occupier, and the whole tenement factory or workshop is to be taken as one factory or workshop.

District councils are given powers, in addition to those they possess, to make bye-laws providing for means of escape from fire. And the existing powers of the London

Bye-laws for
means of
escape.
s. 15.

s. 153.
57 & 58 Vict.
c. cxxii.

County Council to make bye-laws on this subject with respect to buildings over 60 feet in height are extended to all factories and workshops of whatever height.

CHAPTER IV.

EMPLOYMENT.

- | | | |
|---|--|--|
| (a.) <i>General.</i> | | (d.) <i>Period of Employment</i> |
| (b.) <i>Meal Times.</i> | | <i>for Women.</i> |
| (c.) <i>Period of Employment</i>
<i>for Young Persons.</i> | | (e.) <i>Period of Employment</i>
<i>for Children.</i> |

(a.) *General.*

Meaning of
employment.
s. 152.

The meaning of "employment" in the Act is minutely laid down. It includes work by a child, young person, or woman in a factory or workshop, whether for wages or not, either

- (a) in a manufacturing process or handicraft; or
- (b) in cleaning any place used for such process or handicraft; or
- (c) in cleaning or oiling any part of the machinery; or
- (d) in connexion with the process or handicraft, or with the article made or otherwise dealt with.

Kinds of em-
ployment not
within the Act.
s. 158.

The Act does not apply to employment in a factory or workshop for the sole purpose of repairing the premises or the machinery, or to the employment of straw plaiting, pillow lace making, or glove making, when carried on by a family in a private house; (e) or to employment carried on, under the same conditions, at irregular intervals.

Kinds of em-
ployment
partly ex-
cluded.
s. 41.

The provisions relating to employment, meal times, and holidays, do not apply to the processes of preserving and curing of fish immediately upon its arrival in the fishing boats, or to the process of cleaning and preparing fruit between June and September, to prevent it from spoiling, immediately upon its arrival in a factory or workshop.

(a) The Secretary of State may extend this exemption to work similarly light in character.

There is a presumption (until the contrary is proved) that a person found in a factory or workshop is employed there, except at meal times, or (in a factory) when the machinery is stopped, or while bringing food between 4 and 5 p.m. to the persons employed. But this presumption does not apply to open yards, nor to rooms in which no work is done, nor to domestic factories or workshops.

Persons found on the premises deemed to be employed there.
s. 147, subs. (1).

The provisions which determine the length and conditions of employment in factories and workshops apply to three classes of persons employed, children, young persons, and women. Children are persons under 14 years of age who have not, when 13, obtained an educational certificate. Young persons are male or female persons between 14 and 18 years of age, and persons of 13 who have obtained an educational certificate. A female young person becomes a woman, within the meaning of the Act, on reaching 18 years of age.

Children, young persons, and women.

s. 156.
s. 71.

Children, young persons, and women may be employed in a factory or workshop, subject to the following limitations. No child under 12 may be employed in any factory or workshop. No child, young person, or woman may be employed in a factory or workshop on Sunday, except in the case (referred to later in this chapter) where both employer and employed are of the Jewish religion, in the case of blast furnaces and paper mills where male young persons may be employed at night, and in the case of creameries where the Secretary of State may, by Special Order, (a) sanction the employment of young persons and women for three hours on Sundays and holidays. No woman or girl may be employed in a factory or workshop within four weeks after childbirth. In certain specially dangerous processes the employment of children and of young persons is prohibited, and in any dangerous trade for which regulations are made under s. 79 the employment of any class of persons (including male adults) may now be either restricted or prohibited.

Children under 12 not to be employed.

s. 62.

No employment on Sunday.

s. 34.

s. 54.

s. 42.

Women after childbirth.

s. 61.

Employment of children and young persons prohibited.

s. 77.

Employment in dangerous trades.

s. 83.

Periods of employment.

Definite periods of employment are fixed for each of these classes of persons in textile factories, non-textile factories, and workshops, and (subject to the exceptions

(a) See Appendix of Orders hereafter.

Penalty for
employment
outside period.
s. 23.

Alteration of
hours.

Overtime.

Powers of
Secretary of
State.

Conditions
imposed by
Secretary of
State.

s. 58.

Employment
by Jews on
Saturday and
Sunday.

s. 47.

s. 48.

presently mentioned) it is an offence punishable by fine to employ any of them outside the period fixed for them. The exceptions allowed to this rule are of two kinds. In some cases an alteration may be made in the hours of labour, but so that the total length of the period is not increased. In other cases additional hours (called overtime) may be worked, except on Saturday. The extent of the exceptions, the factories and workshops to which they apply, and the conditions on which they are allowed, are minutely determined in the Act. In very many cases the Secretary of State has power to add to the lists of factories and workshops to which the exceptions apply, by a Special Order laid before and annulable by Parliament, and revocable by the Secretary of State. Wherever an exception of this kind is allowed, either by the Act itself or under a Special Order, the Secretary of State may, by a similar Order, impose conditions relating to cleanliness, ventilation, or (in the case of night work) to hours of employment. The general periods of employment, and the particular exceptions of both kinds which are allowed, are specified in detail in this chapter, under the heads of the classes of workers to whom they relate.

Special exceptions with regard to Saturday and Sunday work are made in favour of a Jewish occupier of a factory or workshop. If he keeps his premises closed on Saturday till sunset, he may employ young persons and women from sunset to 9 p.m. If he keeps his premises closed on Saturday both before and after sunset, he may add an hour, at the beginning or end of the ordinary period for young persons and women employed by him, on every other day in the week, but the additional hour must be between 6 a.m. and 9 p.m. Further, as far as concerns the young persons and women employed by him, who are also of the Jewish religion, he may employ them on Sunday if he keeps his premises entirely closed on Saturday. In this case either Sunday or Friday must take the place of Saturday as far as concerns the period of employment, and the factory or workshop must not be open for traffic on Sunday.

Employment inside and outside a factory or workshop on the same day in the business of the factory or workshop is subject to certain restrictions, from which the Secretary of State has power to exempt any particular trades, either generally or in particular localities. Such employment is absolutely prohibited in the case of a child, except during the recognised period of employment. It is prohibited in the case of a young person or a woman (except during the recognised period) on any day on which the young person or woman is employed inside the factory or workshop both before and after the dinner hour. To prevent evasions, it is provided that a person is deemed to be employed outside a factory or workshop on any day on which work is given out to him, or taken out by him, to be done outside. Further, in the case of a young person or a woman employed by the same employer both in a factory or workshop and in a shop, the total period of employment on any day may not exceed that permitted in the factory or workshop. If any part of the shop employment take place before or after the period fixed on the Abstract, it must be entered in the register. A similar limitation of hours of employment is imposed by the Shop Hours Act, 1892, in the case of a young person (a) (though not in the case of a woman) who is employed in any shop, and who, to the knowledge of the shopkeeper, has already on the same day been employed in a factory or workshop.

Employment
outside factory
or workshop.

s. 31.
s. 4G.

55 & 56 Vict.
c. 62. s. 3,
subs. (2).

An occupier of a factory or workshop who proposes to avail himself of any special exception, by which the period of employment may be either altered or extended, must serve notice of his intention on the inspector seven days in advance. He must also (except in the case of a domestic factory or workshop) affix a similar notice in the factory or workshop seven days in advance, and keep the notice affixed during the time of the exceptional employment. The notice must specify the proposed hours of employment and the proposed times for meals where they differ from the ordinary hours or times. Before 8 p.m. on

Notices, &c. of
exceptional
employment.
s. 60.

(a) "Young person" in the Shop Hours Act means "a person under the age of 18 years."

each day of overtime employment the occupier must report to the inspector particulars of the employment, and this report, unless withdrawn, will in any proceedings be taken as *prima facie* evidence that there has been such employment. He must also enter similar particulars in a register, and affix a notice containing them in the factory or workshop. If he fails in his duty with regard to any of these notices, reports, and registers, the special exception will not protect him

(b.) *Meal Times.*

Notices of
employment
and meal
hours.
s. 32.

In every factory or workshop the occupier (a) must affix a notice showing the period of employment and the meal hours for his factory or workshop, as well as the system on which children are employed (*see* below, pp. 36 and 37). A change may not be made in the period, meal hours, or system so specified until notice has been sent to the inspector and affixed in the factory or workshop, and may not be made oftener than once a quarter, unless for special cause approved in writing by the inspector.

Meal hours.
s. 24,
subs. (5).
s. 25,
subs. (6).
s. 26,
subs. (3).

The sections which fix the periods of employment for the different classes of workers require fixed intervals for meals to be allowed during the periods. The required allowance is as follows:—

	On every day but Saturday.	On Saturday.
(a) textile factories - -	2 hrs.	$\frac{1}{2}$ hr.
(b) non-textile factories and workshops - -	$1\frac{1}{2}$ „ (b)	$\frac{1}{2}$ „
(c) women's workshops -	$1\frac{1}{2}$ „	$\frac{1}{2}$ „
(d) domestic factories and workshops - -	$4\frac{1}{2}$ „ (c)	$2\frac{1}{2}$ „

The actual time of the meal hours may in general be fixed by the employer, but in the first two cases, (a) and (b), one hour must be given before 3 p.m.

(a) In tenement factories the responsibility is upon the owner, but the occupier may, if he like, affix the notice (s. 87 subs. (1)).

(b) In a factory or workshop in which children are employed on the alternate day system, two hours must be allowed.

(c) That is between 6 a.m. and 9 p.m.; on Saturday, 6 a.m. and 4 p.m.; and for young persons only. Children may not be employed on the alternate day system in these factories and workshops, and the hours of women are unregulated.

The meal hours must be the same for all children, young persons, and women employed in a factory or workshop, except in domestic factories and workshops, and in certain specified classes of works, the list of which the Secretary of State has power to extend (a)

During meal hours no child, young person, or woman may be employed in the factory or workshop, or remain in a room where work is carried on, except in domestic factories and workshops, and in certain specified classes of works, the list of which the Secretary of State has power to extend.(b)

There are certain parts of certain specified factories and workshops (the list of which the Secretary of State has power to extend), in which no child, young person, or woman may take a meal or remain during meal hours, even if no work is being carried on there. Further, no meal must be taken and no person must be allowed to remain during meal times in any room in a factory or workshop in which lead, arsenic, or other poisonous substance is so used as to cause dust or fumes. Arrangements must then be made by which meals can be taken elsewhere in the factory or workshop.

No child, young person, or woman may be employed continuously (c) for more than $4\frac{1}{2}$ hours in a textile factory, or for more than 5 hours in a non-textile factory or a workshop, without an interval of at least half an hour for a meal; but this rule does not apply to women employed in a workshop conducted on the principle of not employing young persons or children. In domestic factories and workshops the only persons whose continuous employment is prohibited, without an interval of at least half an hour for a meal, are children who may not work more than five hours without this interval. Certain specified textile factories (the list of which the Secretary of State has power to extend) are for the purpose of this last-mentioned rule put on the same footing as non-textile factories

Meal hours to be simultaneous.
s. 33.
s. 111.
s. 40,
subs.(1),(3),
(4).

No employment during meal hours.
s. 33.
s. 111.
s. 40,
subs.(2),(3),
(4).

Absence from certain places during meal hours.
s. 78.

s. 75.

Continuous employment without meals.
ss. 24-27.

s. 111,
subs (1),(f).

s. 39.

(a) See Appendix of Orders.

(b) See Appendix of Orders.

(c) Employment is continuous unless interrupted by an interval of at least half an hour (s. 156 subs. (2)). Now such employment of women is prohibited only when their meal hours must be those of young persons.

from November to March, if the period of employment begins at 7 a.m. and the first hour of the period is allowed for meals. Hosiery factories which are included in this exception may, by Special Order, be put on the same footing as non-textile factories during all the year.(a) And print works, bleaching and dyeing works, which for other matters relating to employment rank as textile factories, are for this allowed to rank with non-textile factories.

s. 28.

(c.) *Period of Employment for Young Persons.*

A.—*Ordinary Period.*

Ordinary
period in
textile fac-
tories.

s. 24.

In textile factories:—

6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., with two hours (of which one hour is before 3 p.m.) for meals.

On Saturday, 6 a.m. to 11.30 a.m. for manufacturing purposes, and to noon for other purposes, or (if not less than one hour is allowed for meals) 6 a.m. to noon for manufacturing purposes, and to 12.30 p.m. for other purposes; or from 7 a.m. to 12.30 p.m. for manufacturing purposes, and to 1 p.m. for other purposes; with at least half an hour for meals in any case.

Ordinary
period in
non-textile
factories and
workshops.

s. 26.

In non-textile factories and workshops:—

6 a.m. to 6 p.m., 7 a.m. to 7 p.m., or 8 a.m. to 8 p.m., with 1½ hours (of which one hour is before 3 p.m.) for meals.

On Saturday, 6 a.m. to 2 p.m., 7 a.m. to 3 p.m., or 8 a.m. to 4 p.m., with half an hour for meals.

Special em-
ployment on
Saturday.

s. 30.

(In a non-textile factory or a workshop, Saturday employment may be from 6 a.m. to 4 p.m., with two hours for meals, for a young person who has not been employed for more than eight hours on any day in the week, if notice of the non-employment has been affixed in the factory or workshop, and served on the inspector.)

Ordinary
period in
domestic fac-
tories and
workshops.

s. 111, subs.

(1), (b), (c).

In domestic factories and workshops:—

6 a.m. to 9 p.m., with 4½ hours for meals.

On Saturday, 6 a.m. to 4 p.m., with 2½ hours for meals.

(a) This has been done. See Appendix of Orders hereafter.

B.—*Alteration of Hours.*

In any non-textile factories and workshops which may be specified in a Special Order by the Secretary of State, the period for young persons may be from 9 a.m. to 9 p.m.(a)

Employment from 9 to 9.
s. 36.

• In the process of Turkey red dyeing, Saturday employment may be till 4.30 p.m. if the additional hours have already been deducted on some day or days in the same week.

Saturday employment in Turkey red dyeing.
s. 44.

Male young persons over 16 may be employed in lace factories between 4 a.m. and 10 p.m., with nine hours for absence and meals, and in bakehouses between 5 a.m. and 9 p.m., with seven hours for absence and meals: provided in both cases that no such person may be employed both before and after the ordinary period on the same day, nor after the ordinary period on one day and before it on the next.

Male young persons in lace factories and bakehouses.
s. 37.
s. 38.

In printing works where newspapers are printed on more than two nights in a week, male young persons over 16 may be employed at night (*i.e.*, between 9 p.m. and 6 a.m.) as if they were adults, but not for more than 12 hours in any consecutive period of 24 hours, or on more than two nights in a week.

Male young persons in printing works at night.
s. 56.

Employment of male young persons of 14 and upwards at night (*i.e.*, between 9 p.m. and 6 a.m.) is allowed in certain specified works (the list of which the Secretary of State has power to extend, but only so as to affect male young persons over 16)(b). This exception only authorises employment on a process incidental to the business of the factory. Persons employed by virtue of this exception may be employed during a period of not more than 12 consecutive hours altogether, which period must be specified in a notice, and they must have similar meal hours to those which are compulsory by day. They must not be employed during the preceding or following 12 hours, and must not be employed by virtue of this exception on more

Employment of male young persons at night.
s. 54.

(a) For the four cases in which the Secretary of State has authorised this period of employment, *see* note (a), p. 135.

(b) For the additions made by Orders of the Secretary of State, *see* Appendix of Orders.

than six nights, or in blast furnaces or paper mills seven nights, in any two weeks. Young persons to whom this exception applies may also be employed on an alternative system, namely, in three shifts of eight hours each, with an interval of two unemployed shifts between each two employed shifts.

Male young
persons in
glassworks.
s. 55.

In glassworks a male young person of 14 and upwards may be employed according to the accustomed hours of the works, on certain conditions. The total period in a week must not exceed 60 hours. The periods must not exceed 14 hours each in 4 turns per week, or 12 hours each in 5 turns, or 10 hours each in 6 turns, or they may be any less number of hours in the accustomed number of turns, but so that there may not be more than 9 turns altogether in a week. After each turn of employment there must be an interval of at least one unemployed turn. Employment must not continue for more than five hours without an interval of half an hour for a meal. This exception does not authorise employment on Sunday.

C.—*Overtime.*

Overtime employment of young persons (as distinguished from mere alteration of the hours of work) is allowed in three cases only.

Extra half
hour overtime.
s. 51.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a young person may be employed at the end of a day's work, on any day but Saturday, or the substituted day, for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hours must be deducted from the total period for the week.(a)

Overtime in
Turkey red
dyeing and
bleaching.
s. 53.

Where there is danger of damage from spontaneous combustion in Turkey red dyeing, or from any extraordinary atmospheric influence in open-air bleaching, a young person may be employed overtime, so far as is necessary to prevent the damage, on any day but Saturday, or the substituted day.

(a) For additions made by order of the Secretary of State, see Appendix of Orders.

In factories driven by water power, and liable to be stopped by drought or flood, the Secretary of State may authorise the employment of young persons from 6 a.m. to 7 p.m., with intervals for meal hours, on days other than Saturday, or the substituted day. This overtime must not be worked, where the danger is from drought, on more than 96 days, or where the danger is from floods, on more than 48 days, in any year. It must not extend beyond the time already lost during the previous 12 months.(a)

Overtime in
water mills.
s. 52.

(d.) *Period of Employment for Women.*

A.—*Ordinary Period.*

In textile factories :—

6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., with two hours (of which one hour is before 3 p.m.) for meals.

Ordinary
period in tex-
tile factories.
s. 24.

On Saturday, 6 a.m. to 11.30 p.m. for manufacturing purposes, and to noon for other purposes or (if not less than one hour is allowed for meals) 6 a.m. to noon for manufacturing purposes, and to 12.30 p.m. for other purposes; or from 7 a.m. to 12.30 p.m. for manufacturing purposes, and to 1 p.m. for other purposes; with at least half an hour for meals in any case.

In non-textile factories, and in workshops where children or young persons are employed :—

6 a.m. to 6 p.m., 7 a.m. to 7 p.m., or 8 a.m. to 8 p.m., with 1½ hours (of which one hour is before 3 p.m.) for meals.

Ordinary
period in non-
textile factories
and ordinary
workshops.
s. 26.

On Saturday, 6 a.m. to 2 p.m., 7 a.m. to 3 p.m., or 8 a.m. to 4 p.m., with half an hour for meals.

(In a non-textile factory or a workshop, Saturday employment may be from 6 a.m. to 4 p.m., with two hours for meals, for a woman who has not been employed for more than eight hours for any day in the week, if notice of the non-employment has been affixed in the factory or workshop and served on the inspector.)

Special
employment on
Saturday.
s. 30.

(a) For an Order of the Secretary of State authorising overtime in water mills on certain conditions, see Appendix of Orders.

Ordinary period in adult workshops.

s. 29,
subs. (1).

In workshops conducted on the principle of not employing children or young persons (a) :—

A specified period of 12 hours between 6 a.m. and 10 p.m., with a specified period of 1½ hours for meals.

On Saturday, a specified period of eight hours between 6 a.m. and 4 p.m., with a specified period of half an hour for meals.

Employment in domestic factories and workshops.

s. 34.
s. 111.

In domestic factories and workshops prohibition of employment on Sunday is the only restriction on the employment of women.

B.—Alteration of Hours.

Employment from 9 to 9.

s. 36.

In any non-textile factories and workshops which may be specified in an Order by the Secretary of State, the period for women may be from 9 a.m. to 9 p.m. (b)

Saturday employment in Turkey red dyeing.

s. 44.

In the process of Turkey red dyeing, Saturday employment may be till 4.30 p.m., if the additional hours have already been deducted on some day or days in the same week.

C.—Overtime.

Overtime in works where a sudden press of business is common.

s. 49.

The principal case in which overtime employment of women is allowed is that of certain specified non-textile factories and workshops, and warehouses (the list of which the Secretary of State has power to extend), in which either materials are liable to be spoiled by the weather, or there is a press of work at certain seasons, or there may be a sudden press of orders from unforeseen causes. (c) In these places (which do not include women's workshops) women may be employed, on any day but Saturday or the substituted day, either from 6 a.m. to 8 p.m., or from 7 a.m. to 9 p.m., or from 8 a.m. to 10 p.m., with two hours (of which half an hour must be after 5 p.m.) for meals. A woman may not be employed overtime under this exceptional provision on more than three days in any week, or on more than 30 days in any twelve months ;

(a) The occupier must serve notice on the Inspector of his intention to conduct a workshop on this system. (See Notices, p. 81.)

(b) For the four cases in which the Secretary of State has authorised this period of employment, see note (a), p. 135.

(c) For the long list of non-textile factories and workshops to which this provision for overtime applies, see sched. 2, and Appendix of Orders.

and every day on which any woman has been employed overtime is to be reckoned as one of the thirty.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a woman may be employed at the end of a day's work for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hours must be deducted from the total period for the week.^(a)

Extra half
hour overtime.
s. 51.

Where there is danger of damage from spontaneous combustion in Turkey red dyeing, or from any extraordinary atmospheric influence in open-air bleaching, a woman may be employed overtime, on any day but Saturday or the substituted day, to prevent the damage.

Overtime in
Turkey red
dyeing and
bleaching.
s. 53.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), in which the articles or materials dealt with are of a perishable nature, women may be employed, on any day but Saturday or the substituted day, from 6 a.m. to 8 p.m., or from 7 a.m. to 9 p.m., with two hours (of which half an hour must be after 5 p.m.) for meals.^(b) A woman may not be employed overtime under this exceptional provision on more than three days in any week, or on more than 50 days in any twelve months; and every day on which any woman has been employed overtime is to be reckoned as one of the 50.

Overtime in
works where
perishable
goods are dealt
with.
s. 50.

In factories driven by water power, and liable to be stopped by drought or flood, the Secretary of State may authorise the employment of women from 6 a.m. to 7 p.m., with intervals for meal hours, on days other than Saturday. This overtime must not be worked, where the danger is from drought, on more than 96 days, or where the danger is from flood, on more than 48 days, in any year. It must not extend beyond the time already lost during the previous 12 months.^(c)

Overtime in
water mills.
s. 52.

(a) For additions made by Order of the Secretary of State, *see* Appendix of Orders.

(b) For the additions made by Order of the Secretary of State, *see* note (b), p. 142.

(c) For an Order of the Secretary of State authorising overtime in water mills on certain conditions, *see* Appendix of Orders.

*(e.) Period of Employment for Children.***A.—Ordinary Period.**

Ordinary
period in
textile fac-
tories.

s. 25.

In textile factories :—

Employment must be either in morning and afternoon sets, or on the alternate day system.

Morning and
afternoon sets.

s. 28.

Morning and afternoon sets :—

The morning set begins at the time when employment of young persons begins in the factory (*i.e.*, at 6 a.m. or 7 a.m.).

The morning set may end either at 1 p.m. or at the beginning of the dinner hour (if before 1 p.m.), and the afternoon set may begin either at 1 p.m. or at the end of the dinner hour (if after 1 p.m.).

If the dinner hour does not begin before 2 p.m., the afternoon set may begin at noon, in which case the morning set must end at noon.

The afternoon set ends at the time when employment of young persons ends in the factory (*i.e.*, at 6 p.m. or 7 p.m.).

Saturday
employment.
s. 25.

On Saturday the period for children begins and ends at the same time as the period for young persons : *see* page 30 above. But a child may not be employed on two successive Saturdays, nor on any Saturday if his period on any day in the same week has exceeded $5\frac{1}{2}$ hours.

A child may not be employed in a morning set in two successive periods of seven days, nor in an afternoon set in two successive periods of seven days.

Alternate day
system.
s. 25.

Alternate day system :—

The period for children is the same as for young persons : *see* page 30 above. Under this system a child may not be employed on two successive days, nor on the same day in two successive weeks.

Ordinary
period in
non-textile
factories and
workshops.
s. 27.

In non-textile factories and workshops :—

Employment must be either in morning and afternoon sets, or on the alternate day system.

Morning and afternoon sets :—

The morning set begins at 6 a.m. or 7 a.m., or,

if the period for young persons in the factory or workshop is from 8 a.m. to 8 p.m., it may begin at 8 a.m. Morning and afternoon sets.
s. 27.

The morning set may end either at 1 p.m., or at the beginning of the dinner hour (if before 1 p.m.), and the afternoon set may begin either at 1 p.m., or at the end of the dinner hour (if after 12.30 p.m.).

If the dinner hour does not begin before 2 p.m., the afternoon set may begin at noon, in which case the morning set must end at noon.

The afternoon set ends at 6 p.m. or 7 p.m. (according as the morning set began at 6 a.m. or 7 a.m.), or if the period for young persons and women in the factory or workshop is from 8 a.m. to 8 p.m., it may end at 8 p.m.

On Saturday the period for a morning or an afternoon set is the same as on other days, except that the afternoon set must end at 2 p.m., or at 4 p.m. if the period for young persons and women is from 8 a.m. to 8 p.m. A child may not be employed on Saturday in the same set as on any other day of the same week. Saturday employment.
s. 27

A child may not be employed in a morning set in two successive periods of seven days, nor in an afternoon set in two successive periods of seven days.

Alternate day system :—

The period is from 6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., or (if the period for young persons and women is 8 a.m. to 8 p.m.) from 8 a.m. to 8 p.m., with two hours for meals.

Alternate day system.
s. 27.

On Saturday, from 6 a.m. or 7 a.m. to 2 p.m., or (if the period for young persons and women is 8 a.m. to 8 p.m.) from 8 a.m. to 4 p.m., with half an hour for meals.

Under this system a child may not be employed on two successive days, nor on the same day in two successive weeks.

Ordinary
period in
domestic fac-
tories and
workshops.
s. 111,
subs. (1).

In domestic factories and workshops :—

Employment is only in morning and afternoon sets, and not on the alternate day system.

The period is from 6 a.m. to 1 p.m., or from 1 p.m. to 8 p.m., or on Saturday afternoon from 1 p.m. to 4 p.m.

A child may not be employed before 1 p.m. in two successive periods of seven days, nor after 1 p.m. in two successive periods of seven days.

On Saturday a child may not be employed before 1 p.m. if he has been employed before 1 p.m. on any other day in the same week, nor after 1 p.m. if he has been employed after 1 p.m. on any other day in the same week.

There must be no continuous employment for more than five hours without an interval of half an hour for meals.

B.—*Alteration of Hours.*

Employment
when period is
from 9 to 9.
s. 36.

In certain non-textile factories and workshops specified in an Order by the Secretary of State, if the period for young persons and women is from 9 a.m. to 9 p.m., the morning set for children begins at 9 a.m., and the afternoon set ends at 8 p.m.(a)

C.—*Overtime.*

Extra half
hour overtime.
s. 51.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a child may be employed at the end of a day's work for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hour must be deducted from the total period for the week.(b)

(a) For the four cases in which the Secretary of State has authorised this period of employment, *see* note (a), p. 135.

(b) For additions made by Order of the Secretary of State, *see* Appendix of Orders.

CHAPTER V.

CERTIFICATES OF FITNESS FOR EMPLOYMENT.

In a factory, it is necessary to obtain from the certifying surgeon, for every child or young person under 16 employed there, a certificate of fitness for employment in that factory. The occupier is allowed seven work days in which to obtain the certificate, or, if the certifying surgeon resides more than three miles from the factory, 13 work days. For the appointment and duties of certifying surgeons and the fees to be paid to them, *see* Chapter XVIII.

Certificates of fitness for employment in factory.
s. 63.

This obligation to obtain certificates of fitness does not exist in the case of workshops, but the Secretary of State has power (which he has not at present exercised) to extend it to workshops.

Certificates of fitness not compulsory in workshops.
s. 66.

The occupier of a workshop may, if he thinks fit, as a precautionary measure, obtain from the certifying surgeon certificates of fitness for children and young persons under 16 employed in his workshop.

Certificates of fitness may be obtained for workshops.
s. 65.

In the case of any particular child or young person under 16 employed in either a factory or a workshop, who appears to the inspector to be incapacitated for ordinary daily work by disease or bodily infirmity, the inspector may serve notice on the occupier of the factory or workshop, requiring him to discontinue the employment of the child or young person from the period named therein, not being less than one day nor more than seven days from the service of the notice. After the expiration of that time, the occupier may not employ the child or young person until he has obtained from the certifying surgeon a fresh certificate that the child or young person is not incapacitated for work.

Further certificate of fitness required in certain cases.
s. 67.

The certificate of fitness must deal with two points, the age of the child or young person, and the absence of incapacity, on the ground of disease or bodily infirmity, for daily work during the time allowed by law. It may be qualified by conditions as to the work on which the child or young person is fit to be employed. The age

Contents of certificate.
s. 64,
subs.(4),(5).

Proof of age.
s. 64,
subs. (8), (9).

of the child must be proved to the certifying surgeon either by production of a certificate of birth or by other satisfactory evidence. A certificate of birth may be obtained for 6*d*. It consists either of a certified copy of the entry in the register of births, or of a certificate from the school authority based on the returns made to them by the registrar of births and deaths. If the age of the child or young person is proved to the certifying surgeon by evidence other than a certificate of birth, and the inspector has cause to believe that the real age is less than appears in the certificate of fitness, the inspector may annul the certificate of fitness.

Personal examination of child or young person.
s. 64,
subs. (2), (3).

In order to certify that a child or young person is not incapacitated from daily work, the certifying surgeon must first make a personal examination of the child or young person. The examination must be held, and the certificate signed, at the factory or workshop, unless either the number of children and young persons employed at the factory or workshop are less than five, or there is some other reason allowed in writing by the inspector.

Powers of certifying surgeon.
s. 64,
subs. (6).

The certifying surgeon is given the powers of an inspector to examine any process in which it is proposed to employ a child or young person, in order that he may determine his fitness for the proposed employment.

Extent of application of certificate.
s. 64,
subs. (7).
s. 89.

The certificate may be made to apply to all or any of the factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon. A certificate of fitness for employment in a tenement factory is valid for similar employment in any part of the same tenement factory.

Reasons for refusing certificate.
s. 64,
subs. (10).

If the certifying surgeon refuses to grant a certificate of fitness, he must (if required) give the reasons for his refusal in writing.

New certificate at age of 14.
s. 63,
subs. (2).

When a child reaches the age of 14, and thereby becomes a young person, a fresh certificate must be obtained of his fitness for employment under the new conditions.

Production of certificate to inspector.
s. 63,
subs. (8).

The certificate of fitness must (when required) be produced to the inspector by the occupier.

CHAPTER VI.

EDUCATION OF CHILDREN.

The employment of children (that is, of persons between 12 and 14) in a factory or workshop is subject to various restrictions, framed in the interest of the children's education, and imposed either by the Factory Act or by the Elementary Education Acts.

A child between 12 and 13 may not be employed in a factory or workshop before he has reached the standard of education fixed by the local by-laws for total or partial exemption from attending school.

A child between 13 and 14 may be employed as a young person (and consequently need not go to school at all) if he has obtained a certificate of proficiency or of previous attendance at a "certified efficient school." For this purpose, the standard of proficiency in England and Wales is Standard 5 of the Code in force for the time being. The standard of previous attendance is 350 attendances a year for five years in not more than two schools in each year, after reaching the age of five. Under the Factory Act, a child of 13 must either obtain one of these two certificates or attend school in accordance with the Factory Act.

The regulations for Scotland and Ireland with regard to the employment of a child as a young person are somewhat different. In Scotland the School Board is empowered, after due inquiry, to exempt children between 12 and 14 from school attendance upon such conditions, if any, as the Board think fit. For the standards of proficiency and of previous attendances in Ireland, *see* note (c), p. 152.

A child between 12 and 13, who has reached the standard for total or partial exemption under the Elementary Education Acts, and consequently may be employed, must still, if employed in a factory or workshop, attend school in accordance with the requirements of the Factory Act. So must a child of 13 who has not obtained a certificate entitling him to be employed as a young person.

Restrictions on employment of children.

Conditions of employment of child under 13.
43 & 44 Vict.
c. 23. s. 4.
62 & 63 Vict.
c. 13. s. 1.
When a child over 13 may be employed as a young person.
s. 71.
s. 72.

Edw. 7. c. 9.
s. 3.; s. 159,
subs. (7).

Special requirements of the Factory Act with regard to education.

Regulations of Factory Act.

s. 68, subs. (1).

Number of attendances.

s. 68, subs. (1) (a) (b).

Length of attendances.

s. 68, subs. (1) (c).

Saturdays and holidays.

s. 68, subs. (1) (i).

Excuses for non-attendance.

s. 68, subs. (1) (ii).

Deficiencies to be made up in the following week.

s. 68, subs. (2).

Choice of school.

s. 68, subs. (1) (iii).

Occupier must obtain certificate of school attendance.

s. 69.

Payment of school fees by occupiers.

s. 70.

The regulations of the Factory Act with regard to school attendance are made binding on parents and guardians, who are liable to punishment if they are not observed. The attendances required are, for a child employed in a morning or afternoon set, one attendance on each work day, and for a child employed on the alternate day system, two attendances on each work day preceding each day of employment. For this purpose an attendance means an attendance for secular instruction for at least two hours. A child need not attend school on Saturday, or on any holiday or half holiday allowed him under the Factory Act. A child is excused attendance if his teacher certifies that he was absent from illness or other unavoidable cause, or if the school is temporarily closed for holidays, or for any other reason. Otherwise, any deficiencies of attendance in one week must be made up in the next before the child may be employed. The parent or guardian may choose the school, but it must be a "recognised efficient school," as defined in the Act of 1878, or, if there is no such school within two miles from the child's residence, some other school temporarily approved by the inspector.

Besides the duty imposed on parents to carry out the above-mentioned regulations, the Factory Act imposes certain obligations on the occupier of a factory or workshop with regard to the education of a child in his employment. On every Monday (or other day appointed by the inspector), he must obtain from the child's teacher a certificate of the child's attendance at school during the previous week. Till he has obtained such a certificate, and till the child has made up any deficiency of school attendance appearing in the certificate, the occupier may not employ the child.

Further, the school board or other school authority who manage the school attended by the child may apply to the occupier of the factory or workshop for a weekly payment not exceeding 3d., and not exceeding one-twelfth of the child's weekly wages. The occupier must pay the sum so demanded, and may deduct it from the child's wages.

CHAPTER VII.

HOLIDAYS.

On Sundays no children, young persons, or women may be employed in any factory or workshop, except in three cases, (1) in creameries where, by Special Order, (a) the Secretary of State may sanction the employment of young persons and women for three hours, provided the weekly maximum of hours allowed is not thereby exceeded; (2) where night work of male young persons is allowed under s. 54 subs. (2) (*see* p. 31 above), and (3) where both the employer and the employed are of the Jewish religion, in which case, as has already been stated (p. 26) Saturday may, on certain conditions, be substituted for Sunday. On Saturday afternoon the period of employment for children, young persons, and women terminates earlier than on other days, and no overtime employment is then allowed; but this does not apply where night work of male young persons is allowed under s. 54 (*see* p. 31 above).

Sundays and
Saturday
afternoons.

s. 34.
s. 42.

s. 48.

ss. 49-53.

The Secretary of State has power to sanction the substitution of another afternoon for Saturday afternoon in any class of non-textile factories or workshops where he is satisfied the customs or exigencies of the trade require it (b). He may also authorise the substitution of another afternoon in respect of some of the young persons employed in newspaper printing offices.

Substitution
of another
day for
Saturday.
s. 43.

Newspaper
printing offices.
s. 43.

Besides Sundays and Saturday afternoons (or the substituted afternoons), all children, young persons, and women employed in a factory or workshop (other than a domestic factory or workshop) must be allowed at least six other holidays in each year. The Secretary of State may, by Special Order, sanction the employment of young persons and women in creameries for three hours on

Compulsory
holidays.
s. 35.

(a) *See* Appendix of Orders hereafter.

(b) For the list of trades in which this has been done, *see* Appendix of Orders hereafter.

holidays, provided (as in the case of their Sunday employment) the weekly maximum of hours allowed is not thereby exceeded.

Holidays in
England and
Wales.

s. 35,
subs. (1).

Substitution of
other holidays.

s. 35,
subs. (1).

Notice of sub-
stitution.

s. 35,
subs. (3).

In England and Wales the holidays fixed under the Act are Christmas Day, Good Friday, and the Bank holidays. For any one of these days, the occupier may substitute either one whole holiday or two half holidays. If an occupier wishes to make such a change in any year, he must during the first week in January affix a notice in his factory or workshop, showing the proposed holidays for the year, and send a copy of the notice to the inspector. If he has made a change in this way, he may make a further change on giving 14 days' similar notice.

Holidays in
Scotland.

s. 35,
subs. (1).

In Scotland there are two compulsory holidays, fixed as follows. If the factory or workshop is in a burgh or police burgh, the holidays are to be the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish. In burghs and police burghs where the fast has been discontinued, the town council are to fix two days, with an interval of not less than three months, and to give public notice thereof. Elsewhere in Scotland two days are to be allowed by the occupier, one of them being a day set apart for the observance of the sacramental fast in the parish or some other day substituted for it by the occupier. In addition to these two compulsory holidays, the occupier must allow eight half holidays, but for any two of these he may substitute one whole holiday.

Holidays in
Ireland.

s. 35,
subs. (1).

In Ireland the regular holidays are Christmas Day and Good Friday, but the occupier may substitute Easter Monday for Good Friday. The occupier must also allow either March 17th (if not a Sunday) or Good Friday (if not otherwise fixed as a holiday) or Easter Tuesday. In addition, the occupier must allow six half holidays, but for any two of these he may substitute one whole holiday.

Notice of
holidays in
Scotland and
Ireland.

s. 35,
subs. (3).

Both in Scotland and in Ireland the occupier is required to affix in the factory or workshop a notice of the days fixed by him as holidays, and to send a copy of the notice to the inspector. He must do this during the first week

in January, but he may change the notice not less than 14 days before a proposed holiday. In the absence of a proper notice, a day does not count as a holiday.

A half holiday must comprise at least half the regular period of employment for young persons and women on some day other than Saturday.

At least half of the holidays in any year must be between March 15 and October 1.

All the children, young persons, and women in a factory or workshop must have the same holidays, except in the small number of classes of factories and workshops in which the Secretary of State has authorised the giving of different holidays to different persons or sets of persons.(a)

Length of half holiday.

s. 35, subs. (4).

Time for holidays.

s. 35, subs. (2).

When holidays need not be simultaneous. s. 45.

CHAPTER VIII.

ACCIDENTS.

Notice must be sent to the inspector for the district if an accident occurs which causes to any person employed in the factory or workshop either loss of life, or such bodily injury as prevents his employment for five hours on his ordinary work on any one of the three working days immediately following the occurrence of the accident.

Notice to inspector. s. 19 subs. (1).

Notice must be sent to the certifying surgeon if the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or escape of gas, steam, or other metal. If the accident is caused by explosives notice must be sent to the Government inspector appointed under the Explosives Act, 1875, and not to the certifying surgeon, nor to the factory inspector.

Notice to certifying surgeon. s. 19, subs. (2). 38 Vict. c. 17. s. 63.

38 & 39 Vict. c. 17.

The notice must state the residence of the person killed or injured, and the place to which he has been removed.

s. 19, subs. (3).

(a) For the factories and workshops in which different holidays may be given, see Appendix of Orders.

Duties of employer when not occupier.

s. 19,
subs. (5).

If any accident, of which notice is required, occurs in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer must immediately report the accident to the occupier.

Register of accidents.

s. 129,
subs. (1) (c),
(3.)
s. 119,
subs. (1) (c).

The occupier of a factory or workshop must enter in the general register all accidents of which notice is required to be given to the inspector. The register must be open to inspection by the inspector and by the certifying surgeon.

These provisions do not apply to domestic factories or workshops.

s. 111,
subs. (4)
(d) (f).
s. 157,
subs. (1), (5).

The provisions as to notices of accidents apply to workshops in which no child, young person, or woman is employed, but not those as to registration.

Duties of certifying surgeon.

s. 20,
subs. (1).

On the receipt of a notice of accident the certifying surgeon must, with the least possible delay, proceed to the place where the accident happened, and make a full investigation as to the nature and cause of the death or injury caused by the accident, and he must within 24 hours send a report of his inquiry to the inspector.

Powers of certifying surgeon.

s. 20,
subs. (2).

For the purpose of such an investigation the certifying surgeon has the same powers as an inspector. He has also power to enter any room in a building to which the person killed or injured has been removed. (For scale of fees payable to certifying surgeon, *see* Chapter XVIII.)

Duties of coroner.

s. 21,
subs. (1).

When a death has occurred by accident in any factory or workshop the coroner must at once advise the inspector for the district of the time and place of the holding of the inquest.

Coroner to adjourn inquest if inspector not present.

s. 21,
subs. (1).

Except under the circumstances mentioned below the coroner must adjourn the inquest if an inspector or some person on behalf of the Secretary of State is not present to watch the proceedings, and he must give the inspector at least four days' notice of the time and place of holding the adjourned inquest.

Circumstances which make adjourned inquest unnecessary.

s. 21,
subs. (1).

The coroner need not adjourn the inquest if the following conditions are all fulfilled, viz. :—

(i.) the accident has not caused the death of more than one person ; and

(ii.) the inspector has received not less than 24 hours' notice of the time and place of the inquest; and

(iii.) the majority of the jury think it unnecessary to adjourn.

The following persons are entitled to attend the inquest and examine any witness either in person or by counsel, solicitor, or agent, subject nevertheless to the order of the coroner :—

Persons entitled to attend inquest and examine witnesses.
c. 21,
subs. (2).

(i.) Any relative of any person whose death was caused by the accident ;

(ii.) Any factory inspector ;

(iii.) The occupier of the factory or workshop in which the accident occurred ; and

(iv.) Any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop in which the accident occurred.

The Secretary of State may direct that a formal investigation be held of the causes and circumstances of an accident occurring in a factory or workshop. This power extends to a workshop in which no child, young person, or woman is employed. The rules under which such an investigation is held are set out at length in the section. (See p. 126.)

Secretary of State may direct formal investigation.
s. 22.

If any person is killed or suffers bodily injury or injury to health in consequence of the occupier of a factory or workshop having neglected to observe any provision of the Act, or any regulation made under the Act, the occupier is liable to a fine not exceeding 100*l.*, and the whole or any part of that sum may be applied for the benefit of the injured person or his family, or otherwise, as the Secretary of State determines. But the occupier is not liable (a) in the case of injury to health unless the injury was caused directly by the neglect ; (b) if an information against him for the breach of the regulation or provision to which the death or injury was attributable had been previously dismissed.

Penal compensation.
s. 136.

CHAPTER IX.

DANGEROUS AND UNHEALTHY INDUSTRIES.

The general provisions of the Act for the protection of life, limb, and health are, where specially dangerous or unhealthy industries are carried on, supplemented in two ways: by Special Provisions and by Regulations made by the Secretary of State.

(a.) *Special Provisions.*

Prohibition of employment of young persons and children in certain factories and workshops.
s. 77.

In certain factories and workshops the employment of children and young persons is prohibited:—

Factories and Workshops.	Persons whose Employment is Prohibited.
<i>Where there is carried on :—</i>	
Making or finishing of bricks or tiles (not ornamental tiles).	} Girls under 16.
Making or finishing of salt - - -	
<i>Parts where there is carried on :—</i>	
Mercurial silvering of mirrors - - -	} Children and young persons.
White lead making - - - - -	
Melting or annealing glass - - -	} Children and female young persons.
Dry grinding in metal trade - - -	
Dipping of lucifer matches - - -	} Children.

Restrictions as to employment in wet-spinning.
s. 76.

In a factory in which wet spinning is carried on the employment of women, young persons, and children is only permitted under certain conditions. Sufficient means must be taken to protect the workers from being wetted, and steam must not be allowed to escape into the rooms they occupy.

Prohibition of taking meals in certain factories and workshops.
s. 75,
subs. (2).
s. 77.

The taking of meals, or remaining during meal times, is prohibited in certain parts of certain factories or workshops:—

(a) where lead, arsenic, or other poisonous substance is used, so as to give rise to dust or fumes, the prohibition extends to all persons.

(b.) In the following works (a) the prohibition extends only to women, young persons, and children :—

- (i.) any part of glass works in which the materials are mixed ;
- (ii.) any part of flint glass works in which grinding, polishing, or cutting is carried on ;
- (iii.) any part of lucifer-match works in which any manufacturing process or handicraft (except wood-cutting) is carried on ;
- (iv.) in earthenware works—the dippers' house, dippers' drying room, and china scouring room.

Where the use of poisonous substances gives rise to dust or fumes other meal-room provision must be made for the persons who may not remain in the prohibited parts during meal times ; but such provision is not made compulsory in the case of the works just specified. In so far, however, as poisonous substances giving rise to dust or fumes are used in any of the specified works, those works would come under the wider requirements.

Where other provision for meals must be made.
s. 75,
subs. (2).

Ventilation by fan or by other mechanical means may be required in factories or workshops where grinding, glazing, or polishing on a wheel or any process is carried on by which dust, or any gas, vapour, or other impurity is generated, and inhaled by the workers to any injurious extent.

Ventilation by fan in certain factories and workshops.
s. 74.

Suitable washing conveniences must be provided in every factory or workshop in which lead, arsenic, or other poisonous substance is used, for the benefit of the persons employed in any department where such substance is used.

Lavatories in certain factories and workshops.
s. 75,
subs. (1).

Where any case of lead, phosphorous, arsenical, or mercurial poisoning or anthrax occurs in a factory or workshop the occupier must at once send notice to the inspector and the certifying surgeon. And any medical practitioner called in to such a case must send notice of it to the chief inspector (unless notice has been previously sent by the occupier of the factory or workshop). These requirements may be extended by Special Order to any other disease contracted in a factory or workshop.

Notification of certain diseases contracted in factory or workshop.
s. 73.

(a) This list has been extended by Order. See Appendix of Orders hereafter.

(b.) Regulations for Dangerous Trades.

Under s. 79 of the Act the Secretary of State is empowered to make regulations for dangerous trades. A full list of all the regulations now in force is given in the Appendix of Regulations for Dangerous Trades.

Before such regulations can be made, the Secretary of State must certify that in his opinion some manufacture, machinery, plant, or process or description of manual labour on the premises is injurious to health or dangerous to life or limb (either generally, or in the case of women, children, or any other class of persons).

When such certificate is given the Secretary of State publishes to the persons affected notice of the proposed regulations, with a statement of the time within which any objection to them must be made (at least 21 days is allowed).

Notice of proposed regulations.

s. 80,
subs. (1).

Notice of objection to regulations.

s. 80,
subs. (2).

Secretary of State may agree to modifications.

s. 80,
subs. (3).

Inquiry in case of difference.

s. 80,
subs. (4).

Method of holding inquiry.

s. 81.

Application of regulations.

s. 82.

The objection must be in writing, and state :—

(a) the draft regulations or portions objected to ;

(b) the specific grounds of objection ;

(c) the omissions, additions, or modifications asked for.

The modifications suggested in the notice of objection may be assented to by the Secretary of State.

If, however, the Secretary of State does not assent to any objection or suggested modification, and the objection or suggested modification is not withdrawn, and does not appear to the Secretary of State to be frivolous, the matter in difference must be submitted to inquiry.

The inquiry is to be held in public by a competent person appointed by the Secretary of State. The chief inspector, any objector, and any other person who, in the opinion of the Inquirer, is affected, may appear either in person or by counsel, solicitor, or agent. The witnesses may be examined on oath.

The regulations, whether made in the first instance without objection, or under the conditions described above, may apply either generally or to a specified class of factories or workshops, and they may exempt any specified class of factories or workshops either absolutely or subject

to conditions. They may apply to tenement factories and workshops, and may then impose duties on occupiers who do not employ anyone and on owners, and they may apply to domestic factories or workshops. s. 112.

The regulations may—

- (a) prohibit or shorten the employment of any class of persons; Provisions which may be made by regulations. s. 83.
- (b) prohibit, limit, or control the use of any material or process; and
- (c) modify or extend any special regulations for any class of factories or workshops.

The regulations must be laid before Parliament. They may be considered, and annulled either separately or as a whole, within 40 days; but if annulled, without prejudice to anything done in the meantime or to the making of new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he think fit, withdraw the whole set. Regulations to be laid before Parliament. s. 84.

Notice of the regulations and of the place where copies can be bought must be published in the "London," "Edinburgh," and "Dublin" Gazettes. Publication of regulations. s. 86, subs. (1).

If any person cannot obey the regulations without breaking an agreement with some other person, he must break the agreement, and is protected from any penalty or forfeiture for doing so. s. 82, subs. (3).

Printed copies of the regulations must be kept posted up in conspicuous places in the factory or workshop, and a printed copy must be given by the occupier to any person affected by the rules, on his or her application. Copies of regulations to be posted up. s. 86, subs. (2).

If the factory or workshop is in Wales or Monmouthshire the regulations must be posted up in Welsh as well as in English. Regulations—Wales. s. 86, subs. (2).

Any person tearing down or defacing one of these notices is liable to a penalty. Defacing notices. s. 86, subs. (5).

The regulations are to be judicially noticed. Judicial notice. s. 86, subs. (6).

CHAPTER X.

LAUNDRIES.

**Treatment of
laundries by
the Act.**

Laundries are not, strictly speaking, either factories or workshops, and before the passing of the Act of 1895 they were not subject to the general provisions of the Factory Acts. But their sanitary condition was subject to the Public Health Acts, which made nearly the same requirements for workplaces not subject to the Factory Acts as were made by the Factory Acts for factories, and these requirements might be enforced by the factory inspector in case of default by the local authority. The Act does not in general terms place laundries in the same position as factories and workshops, but it lays down a separate code for laundries carried on by way of trade or for the purpose of gain.

**Laundries to
which the Act
does not apply.**
s. 103,
subs. (4).

Certain classes of laundries are, however, specially exempted from these provisions. The laundries exempted are those in which the only persons employed are either—

- (a) inmates of any prison, reformatory, or industrial school, or other institution subject to inspection under an Act other than the Factory Act; or
- (b) inmates of a religious or charitable institution; or
- (c) members of the same family dwelling on the premises, with not more than two other persons.

**Method of
treatment.**

The code for laundries so limited and defined, established by the Act of 1895, and maintained by the Act of 1901, proceeds partly by applying to them specific provisions of the Factory Act, partly by making peculiar regulations for laundries. These regulations remain unaltered, and the general position of laundries remains unaltered; but in so far as the applicable provisions have received amendment or supplement, so far the law relating to laundries has been changed. The most important of these changes is the new section which provides for the safety of steam boilers.

**Application to
laundries of
special**

The specific provisions of the Factory Act which are applied to laundries take effect as if every laundry in

which steam, water, or other mechanical power is used were a factory, and as if every other laundry were a workshop. These provisions are those which relate to—

- (a) sanitary provisions; (Chapter II.)
- (b) safety; (Chapter III.)
- (c) accidents; (Chapter VIII.)
- (d) the affixing of notices and abstracts, and their contents, so far as they are applicable; (Chapter VIII.)
- (e) notice of occupation;
- (f) powers of inspectors;
- (g) fines and legal proceedings; (Chapter XIX.)
- (h) education of children. (Chapter VI.)

The occupier of a laundry may not knowingly allow a woman to be employed there within four weeks after childbirth.

No child under the age of 12 may be employed in a laundry.

Special periods of employment are fixed for children, young persons, and women employed in laundries. These periods, exclusive of meal hours and absence from work, are not to exceed—

- (a) for children, 10 hours in a day, and 30 hours in a week;
- (b) for young persons, 12 hours in a day, and 60 hours in a week;
- (c) for women, 14 hours in a day, and 60 hours in a week.

No express regulations are made for meal times, but no child, young person, or woman may be employed continuously for more than five hours without an interval of at least half an hour for a meal.

The notice required to be affixed in each laundry must specify the period of employment and the times allowed for meals, but the period and times so specified may be varied on any day before work begins.

No overtime employment of children or young persons is allowed, but women may be employed overtime on certain conditions. The overtime must not exceed two

sections
of the Act.
s. 103,
subs.(1)(d).

Women after
childbirth.
s. 103,
subs.(1)(f).

Children under
12.
s. 103,
subs.(1)(f).
Periods of
employment.
s. 103,
subs.(1)(a).

Meals.
s. 103,
subs. (1) (b).

Notices.
s. 103,
subs. (1) (e).

Overtime of
women.
s. 103,
subs. (a).

hours on any day, and must not be worked on more than three days in a week or on more than 30 days in a year. No woman may under any circumstances be employed for more than 14 hours on any day. At least seven days before any overtime employment, notice must be sent to the inspector and affixed in the laundry. Particulars of the overtime must also be entered in a register, sent to the inspector before 8 p.m. on the day of the employment, and affixed in the laundry.

Holidays.

s. 103,

subs.(1)(c).

Children, young persons, and women must be allowed the same holidays as are allowed to such persons under the Factory Act.

**Special
sanitary
requirements
in laundries
worked by
mechanical
power.**

s. 103,

subs. (3).

In laundries worked by steam, water, or other mechanical power certain special sanitary regulations are in force. A fan, or some other suitable appliance, must be provided for regulating the temperature in every ironing room and for carrying away the steam in every washhouse. Stoves for heating irons must be separated from any ironing room, and gas irons emitting noxious fumes must not be used. The floors must be kept in good condition, and drained so as to allow the water to flow off freely.

**Giving out
washing to be
done where
there is
infectious
disease.**

s. 109.

If the occupier of a laundry, or a contractor employed by him, gives out clothes to be washed in any dwelling-house, or in a building occupied with the dwelling-house, while any inmate of the dwelling-house is suffering from scarlet fever or small-pox, the occupier or contractor will be liable to a fine not exceeding 10*l.*, unless he was not aware of the existence of the illness and could not reasonably have been expected to become aware of it. The district council may make an order forbidding the occupier of a laundry, or any contractor employed by him, to give out washing (or any work incidental to washing), (a) to be done in a house in which an inmate is suffering from a notifiable infectious disease. And the order may be made though the person so suffering has been removed from the house: it may be made for a specified time or conditionally. For contravention in this case the penalty is also 10*l.*

s. 110.

(a) For the other classes of work which may be so treated, see note (a), p. 67.

In Scotland, with a view to preventing the spread of infectious disease, the local authority may, on a certificate by the medical officer of health, require to be supplied by the occupier with a list of the customers who have sent clothes to a laundry during the past six weeks. A small sum is payable for this list, and failure to furnish the list is punishable by fine. The requirement applies to "any person or company earning a livelihood or deriving gain by the washing or mangling of clothes."

List of customers to be furnished.
60 & 61 Vict.
c. 38. s. 49.

The occupier of a laundry in Scotland may not allow any infected clothes to be washed or exposed in a wash-house or washing green which is used in common by persons other than the family or household to which the infected clothes belong, unless they have been disinfected to the satisfaction of the medical officer of health.

Washing infected clothes in a laundry.
60 & 61 Vict.
c. 38. s. 56 (c).

No person may give infected clothes to be washed without previous disinfection. In Scotland the prohibition is more specific than elsewhere, but everywhere the occupier of a laundry is protected from the receipt of such clothes.

Infected clothes may not be sent to laundry.
38 & 39 Vict.
c. 55. s. 126, subs. (3).
54 & 55 Vict.
c. 76. s. 68 (c).
60 & 61 Vict.
c. 38. s. 56 (c).

CHAPTER XI.

DOCKS, BUILDING OPERATIONS, AND RAILWAYS.

(a.) *Docks.*

Docks, wharves, quays, and warehouses, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal, are under certain strictly defined provisions of the Factory Act, and for that purpose treated as factories.

Application of part of the Act to docks, &c.
s. 104.

In applying the Act, the purpose for which the machinery or plant is used is to be considered a manufacturing process, and the person who has the actual use or occupation of the wharf, dock, quay, or warehouse, or who uses any of the machinery or plant for any of the purposes mentioned, is to be considered the occupier of a

57 & 58 Vict.
c. 60. factory. The expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act, 1894.

Parts of the
Act applied.
s. 104. The provisions of the Act which are so applied are those which relate to—

- (1) prohibition of the use of dangerous machines ;
- (2) accidents ;
- (3) regulations for dangerous trades ; (u)
- (4) powers of inspectors ; and
- (5) penal compensation for an injured workman.

Effect of extended applica-
tion of Act
upon Work-
men's Compen-
sation Act. The extended application of the Act of 1901 has effected in a side manner a corresponding extension in the application of the Workmen's Compensation Act. (See note on s. 104.)

(b.) *Building Operations.*

Application of
Act to building
operations.
s. 105,
subs. (1). The provisions of the Act which are applied to Docks are applied also to premises on which mechanical power is temporarily used for the construction or structural alteration of a building, and such premises are treated as factories.

In applying the Act the purpose for which the machinery is used is to be considered a manufacturing process ; and the person who temporarily uses such machinery is to be considered the occupier of the premises, and for the purpose of enforcing the provisions the occupier of a factory.

Application of
part of the
Act to build-
ings over 30
feet high.
s. 105,
subs. (2). The provisions of the Act which relate to notice of accidents, and to formal investigation of accidents, have also been applied to two classes of buildings, which for those purposes are treated as factories. The first class consists of buildings over 30 feet in height, which are being constructed or repaired by means of scaffolding. In this case the person liable as occupier is the employer of the workpeople engaged in the construction or repair. The second class consists of buildings over 30 feet in height, in which more than 20 persons, not being domestic servants, are employed for wages. In this case the person liable as occupier is the occupier of the building.

(u) See Appendix of Regulations for Dangerous Trades.

(c.) *Railways.*

Where a railway line or siding is used in connexion with a factory or workshop or any place to which any of the provisions of the Act apply it is treated, for the purpose of certain provisions, as if it were part of the factory or workshop (unless it is part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900).

Application of Act to railway lines and sidings.
s. 106, subs. (1).

The applied provisions are those which are also applied to Docks and Building Operations.

Parts of the Act applied.
s. 106, subs. (1).

Where the line or siding is used in connexion with more than one factory or workshop belonging to different occupiers it is then treated (for the same provisions) as if it were a separate factory.

Treatment as separate factory.
s. 106, subs. (2).

CHAPTER XII.

BAKEHOUSES.

Bakehouses are defined as "places in which are baked bread, biscuits, or confectionery, from the baking of which a profit is derived." They rank as non-textile factories or as workshops, according as mechanical power is or is not used for the purpose of baking. Bakehouses, therefore, fall under the general law relating to factories and workshops, but they are subject to certain special regulations which are set out in this chapter.

Definition of bakehouses and their position under the Act.
sched. 6, part 2.

A place underground may not be used as a bakehouse unless it was so used before the end of 1901. After the 1st of January 1904 no underground place may be used as a bakehouse unless it is certified by the district council to be suitable as regards construction, light, ventilation, and in all other respects. If the district council are not satisfied that the place is suitable in all these respects they may refuse a certificate. The occupier may, within 21 days of the refusal, appeal from the district council to a court of summary jurisdiction, and if the court is satisfied of the suitability of the place it may grant a certificate.

Prohibition of underground bakehouses.
s. 101.

Definition of
underground
bakehouse.

s. 101,
subs. (8).

An underground bakehouse is a bakehouse in which the floor surface of any baking room is more than 3 feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room.

Structural
alterations in
underground
bakehouse.

s. 101,
subs. (8).

Where a place has been let as a bakehouse for which the occupier cannot obtain a certificate of suitability unless structural alterations are made he may apply to a court of summary jurisdiction for relief, which may be given in one of two ways. The court may either make an order requiring the owner (*a*) to bear the whole or part of the expenses of the alterations, or it may, at the occupier's request, determine the lease.

Special
sanitary
regulations.

s. 97.

A person may not occupy any room or place as a bakehouse, and may not let it or suffer it to be occupied as a bakehouse, unless the following regulations are complied with:—

- (1.) No watercloset, earthcloset, privy, or ashpit may be within the bakehouse or communicate directly with it;
- (2.) Any cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying a watercloset;
- (3.) No drain or pipe for carrying off fæcal or sewage matter may have an opening within the bakehouse.

Cubic space
requirements.

In underground bakehouses 500 cubic feet of space must be allowed to every person: in other bakehouses where work is carried on at night by artificial light other than electric light, 400 cubic feet of space must be allowed to every person in respect of the period between 9 p.m. and 6 a.m. (*b*).

Painting and
limewashing.

s. 99.

In every bakehouse, the inside walls and ceiling or top of every room, and the passages and staircases, must either be painted with oil, varnished, or limewashed, or be partly painted or varnished and partly limewashed. Where there is paint or varnish, there must be three coats, renewed every seven years, and washed with hot water and soap every six months. Limewashing must be renewed every six months.

(*a*) An owner within the meaning of s. 4 of the Public Health Act, 1875.

(*b*) These requirements are embodied in an Order of the Secretary of State dated December 30, 1903 (gazetted January 1, 1904: St. R. and O., 1903, p. 747).

A place in the same building with a bakehouse, and on the same floor, must not be used as a sleeping place, unless—

Sleeping
rooms.
s. 100.

- (1) it is effectually separated from the bakehouse by a partition from floor to ceiling; and
- (2) there is in the sleeping place an external window of not less than nine superficial feet in extent, of which four and a half superficial feet are made to open.

There is also a general provision that, where a court of summary jurisdiction is satisfied that a place used as a bakehouse is unfit on sanitary grounds to be so used, the court, in addition to or instead of imposing a fine on the occupier, may order him to remove the ground of complaint within a given time, under penalty of a fine not exceeding 1l. per day during non-compliance.

Power of court
to deal with
insanitary con-
ditions
s. 98.

All bakehouses which are factories (*i.e.* those in which mechanical power is used in aid of the process of baking) are in all respects subject to the control of factory inspectors in the same manner as other factories. But as far as concerns a "retail bakehouse" (that is a bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse), the special sanitary provisions mentioned in this chapter are administered by the district council and their officers, and not by the factory inspector, but the regulations as to education, hours of work, and meal times are administered by the factory inspector.

Administration
of law in retail
and other
bakehouses.
s. 102.
54 & 55 Vict.
c. 76. s. 26.

The provisions of the Act which apply to men's workshops, and the special sanitary provisions for bakehouses, apply to a bakehouse which is a workshop in which no child, young person, or woman is employed.

Workshop
bakehouses
where men only
are employed.

Three of the special exceptions, by virtue of which exceptional employment is allowed in factories and workshops, apply to bakehouses. These exceptions relate to—

Exceptional
employment in
bakehouses.

- (1) special employment of male young persons over 16; s. 38.
- (2) overtime of women in biscuit baking; and s. 49.
sched. 2.
- (3) overtime of children, young persons, and women for half an hour at the end of the day. s. 51.

Meal times in
bakehouses.
s. 40.

The provisions of the Act which require (1) that the meals of all children, young persons, and women shall be simultaneous, and (2) that no child, young person, or woman shall, during meal times, be employed, or allowed to remain, in a room in which work is being done, do not apply to bakehouses which are factories, and in which bread or biscuits are made by means of travelling ovens.

CHAPTER XIII.

TENEMENT FACTORIES.

Meaning of
tenement
factory.
s. 149,
subs. (1).

A tenement factory is a building consisting of separate parts, each of which is supplied with mechanical power from a central source, and is separately occupied for the purpose of some manufacture so as to constitute a separate factory. All buildings situate within one close or curtilage are, for the purposes of this chapter, regarded as parts of a single building.

Responsibility
of owner.

In a tenement factory the owner of the whole building (by which is meant the person who receives the rackrent, or would receive it if the building was let at a rackrent) is made subject to many of the provisions of the Act, in place of the occupier of each separate part.

s. 87,
subs. (1).

The owner of the whole (whether or not he is one of the occupiers), and not the occupier of the part, is made directly responsible for the observance of the provisions of the Act relating to—

s. 1,
subs. (1).
ss. 10, 136.

(1) sanitary condition ;

(2) fencing of machinery (except so far as concerns parts of the machinery supplied by the occupier), and liability in case of omission to fence ;

s. 32.

(3) affixing notices specifying the period of employment, meal hours, and mode of employment of children (but the occupier may, if he like, affix this notice which then would have effect instead of the corresponding notice affixed by the owner) ;

(4) limewashing (so far as concerns an engine-house, passage, or staircase, or a room let to more than one tenant); s. 1, subs. (3).

(5) supply of pipes or other contrivances for working a ventilating fan; s. 74.

(6) affixing an abstract of the Act and notices. s. 128.

The owner instead of the occupier is also responsible for the observance of the provisions which relate to— s. 11, subs. (6).

(a) steam boilers; s. 14,

(b) means of escape in case of fire. subs. (7).

Where any tenement factory or class of tenement factories is used wholly or partly for cotton cloth weaving, the Secretary of State may, by order, direct the owner instead of the occupier to observe the requirements which relate to:— Cotton cloth tenement factories. s. 87, subs. (3).

(a) ventilation;

(b) the protection of health in cotton cloth factories; or

(c) any order of the Secretary of State with respect to ventilation.

In any regulations for dangerous trades made under s. 79, duties may be laid upon occupiers who do not employ anyone, or upon owners. Regulations for dangerous trades. s. 82, subs. (2).

An order of the court prohibiting the use of dangerous premises may, in the case of a tenement factory, be enforced against the owner of the whole instead of the occupier of a part. Prohibition of use of dangerous premises. s. 87, subs. (2).

For every tenement factory in which grinding is carried on, certain regulations are laid down in the Third Schedule, for the observance of which the owner of the whole premises is responsible. These regulations relate to the fencing of parts of the machinery, the position of grindstones, and the construction of the floors. In such a factory the owner is responsible for the condition of that part of the horsing chains and hooks which he supplies, and the occupier for the condition of that part which he supplies. Grinding and cutlery in tenement factory. s. 88.

In a tenement factory where either grinding or cutlery is carried on, the owner must provide for instantaneous communication between each of the rooms and both the engine-room and the boiler-house.

Certificate of
fitness in tene-
ment factory.
s. 89.

A certificate of fitness for employment in a tenement factory is valid for similar employment in any part of the same factory.

CHAPTER XIV.

COTTON CLOTH FACTORIES.

Temperature
and humidity.
s. 90.

In cotton cloth factories the artificial raising of temperature and production of humidity are specially regulated with a view to the protection of health, for which other regulations are also framed. The maximum limits of humidity of the atmosphere at given temperatures are laid down in a table in the Fourth Schedule of the Act; and the following requirements must be observed :—

- (1.) The moisture in the atmosphere must never exceed in amount that represented by the number of grains of moisture per cubic foot of air shown in Column I. of the Table, opposite the figures in Column II. which represent the temperature in the factory at the time.
- (2.) If one of the wet bulb thermometers gives a higher reading than the figure in Column III. which is opposite the figure referred to in Column II., it is evidence that the amount of moisture is excessive.
- (3.) The temperature must never be raised by artificial means above 70° F. (unless by gas used for lighting) except in so far as may be necessary in the humidifying of the atmosphere.

Power to alter
table of
humidity.
s. 91.

The Secretary of State may by order repeal or vary the Table referred to, and substitute a new or amended Table, which must, however, be laid before both Houses of Parliament and published in the manner prescribed in the section.

Employment of
thermometers.
s. 92.

Two sets of standardised wet and dry bulb thermometers must be provided and kept in correct working order; one set fixed in the centre and one at the side of the factory, or wherever the inspector directs. They must be plainly

visible to the workers, and the following regulations with regard to them must be observed :—

- (1.) The thermometer must be read three times a day by the occupier or manager or person in charge, between 7 and 8 a.m., 10 and 11 a.m., and 3 and 4 p.m.
- (2.) The readings of each thermometer must be recorded in a form to be hung near the thermometers. This form, when duly filled up, is to be forwarded at the end of the month to the inspector of the district, and a copy kept at the factory for reference.
- (3.) A copy of the Table in the Fourth Schedule must be kept properly glazed and framed in a conspicuous position near the thermometers.
- (4.) Each form will be *primæ facie* evidence of the humidity and temperature in the factory.

Written notice of the production of humidity by artificial means (except by gas used for lighting) must be given to the chief inspector of factories by every occupier of a cotton cloth factory before such production is begun. A factory in respect of which such notice has been sent must be visited by an inspector once in every three months for examination into the temperature, humidity, ventilation, and amount of fresh air, and for report to the chief inspector. If the occupier ceases to produce humidity artificially, and gives written notice of such cessation, these requirements relating to inspection no longer apply (unless the occupier again begin artificial production of humidity).

Notice and inspection.
s. 93.

In every cotton cloth factory the following regulations must be observed :—

- (1.) The water used in the production of humidity must be taken from a pure source, or be effectively purified to the satisfaction of the inspector before it is introduced into the factory as steam. All ducts for the introduction of humidified air must be kept clean.
- (2.) Where the temperature is 70° F. or over the pipes used for the introduction of steam, so far as they are within the shed, must be as small in diameter and

Regulations for the protection of health.
s. 94.

length as is reasonably practical; and they must be effectively covered with non-conducting material to the inspector's satisfaction.

- (3.) Where atmospheric humidity is artificially produced by any means whatsoever (except by gas used for lighting) there shall be such ventilation that in no part of the factory, during working hours, must the proportion of carbon dioxide in the air be greater than 9 volumes to every 10,000 volumes of air.
- (4.) The outside of the roof must be whitewashed every year before the 31st of May, and kept effectively whitewashed until the 31st of August.
- (5.) In every cotton cloth factory built after the 2nd of February, 1898, sufficient cloak-room accommodation, ventilated and kept at a suitable temperature, must be provided for the use of everyone employed.

Penalties for
non com-
pliance.
s. 95.

If the inspector gives notice to the occupier of a contra-vention of any of these provisions, and if any matter so complained of is continued or not remedied, or is repeated within 12 months of the notice, the occupier is liable for the first offence to a fine not less than 5*l.* or more than 10*l.*, and for every subsequent offence to a fine not less than 10*l.* or more than 20*l.* •

Application to
other humid
factories.
s. 96.

The requirements relating to cotton cloth factories apply to every textile factory in which there is artificial production of atmospheric humidity by steaming or other mechanical appliance, unless regulations for dangerous trades (with reference to humidity) are at the time in force. The application is subject to the following qualifications:—

- (1.) The provisions of the Fourth Schedule may be modified by Special Order of the Secretary of State.(a)
- (2.) The thermometers need not be read between 7 a.m. and 8 a.m.
- (3.) The regulations for the protection of health (s. 94) do not apply.
- (4.) In cotton spinning mills the regulations in s. 92, distinguished on p. 63 as 1, 2, 3, and 4, do not apply.

(a) For the Order now in force, *see* Appendix of Orders.

In the case of a tenement factory, or any class of tenement factories, used wholly or partly for cotton cloth weaving, the Secretary of State may by order substitute the owner for the occupier for the purpose of the requirements relating to ventilation (s. 7.), protection of health (s. 94.), or of any order with respect to ventilation. In that case the owner would be substituted for the occupier for the purpose of any summons, notice, or proceeding.

Cotton cloth
tenement fac-
tories.
s. 87.
subs. (3), (4).

A Special Order of the Secretary of State prescribing a standard of ventilation may supersede any other order or provision of the Act with respect to ventilation in cotton cloth factories.

Power to
supersede pro-
visions as to
ventilation.
s. 7,
su' s. (2).

In common with other occupiers, the occupier of a cotton cloth factory may, if he think the whole or part of the expenses of providing the required means of ventilation should be borne by the owner, apply to a court of summary jurisdiction; and the court may make such order concerning the expenses as appears to be just.

Cost of
ventilation.
s. 7,
subs. (4).

CHAPTER XV.

HOME WORK.

Outworkers were first recognised by the Act of 1891, by which power was given to the Secretary of State to require the occupier of any factory or workshop, and any contractor employed by such an occupier, to keep a list showing the names of all persons employed by them (either as workmen or as contractors) outside the factory or workshop, and the places where they are employed. This requirement now applies to any place from which work is given out.

Lists of
outworkers
to be kept by
occupier or
contractor.
s. 107.

An occupier or contractor required to keep such a list must keep it open to inspection by either an inspector or an officer of the district council, and must send a similar list to the district council twice a year, on or before February 1 and August 1. The occupier or contractor

Lists to be sent
to district
council.
s. 107.

Inspector may
require copies
of lists.

s. 107.

Particulars to
be given by
one district
council to
another.

s. 107.

must also supply an inspector of factories with such copies of the lists or extracts from them as he requires.

When the place of employment of an outworker is outside the district of the council to which the list containing it has been sent, it must be forwarded by that council to the council in whose district it is situated. The particulars so furnished by one council to another must be open to inspection by an inspector of factories.

A Special Order has been made by the Secretary of State requiring these lists to be kept by occupiers and contractors in the following trades (*a*):—

Making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto; making, ornamenting, mending, and finishing of lace, and of lace curtains and nets; cabinet and furniture making and upholstery work; the making of electroplate; the making of files; fur-pulling.

By an additional Special Order (*b*) the following trades have been added:—

Making of iron and steel cables and chains; making of iron and steel anchors and grapnels; making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds; making of locks, latches, and keys.

Employment
of outworkers
in unhealthy
places.

s. 108.

The Act contains provisions intended to prevent the employment of outworkers in places injurious or dangerous to health. These provisions are brought into force by a Special Order of the Secretary of State, and then they apply to the persons employed in the classes of work specified in the order. An order has been made in respect of the trades specified above in which outworkers' lists must be kept. (*c*)

By virtue of these provisions (where they are brought into force by the order of the Secretary of State) if the district council find that any place within their district where outworkers are employed is injurious or dangerous to their health, they may give notice to the occupier of the factory or workshop or other place from which the work is given out, or to a contractor employed by the occupier, that the place is so injurious or dangerous. Then if after a month from the receipt of the notice, the occupier

(*a*) See Appendix of Orders.

(*b*) See Appendix of Orders.

(*c*) See Appendix of Orders.

or contractor gives out work to be done in the same place, the district council may proceed against him, and if the court finds that the place is in fact injurious or dangerous to health the occupier or contractor is liable to a penalty not exceeding 10*l*.

Special precautions are required to be taken as to the places where wearing apparel is made, cleared, or repaired. The occupier of any factory, workshop, laundry, or place from which such work is given out, or any contractor employed by such an occupier, is liable to a fine not exceeding 10*l*. if he has caused or allowed any work of the above nature to be done in any dwelling-house (or building occupied with a dwelling-house) in which any inmate is suffering from scarlet fever or small-pox. The occupier may escape liability by proving that he was not aware of the existence of the illness in the dwelling-house, and that he could not reasonably have been expected to become aware of it. In addition, the district council may make an order forbidding the giving out of wearing apparel to be made, cleaned, washed, altered, ornamented, finished or repaired or treated by any work incidental to those processes (a) by a person living or working in a house in which an inmate is suffering from a notifiable infectious disease. The order may be made though the person so suffering has been removed from the house: it may be made for a specified time or conditionally. In case of urgency the order may be made by two or more members of the council acting on the advice of the medical officer of health. For contravention of the order the occupier or contractor is liable to a fine not exceeding 10*l*.

Clothes made or cleaned on infectious premises.
s. 109.

s. 110.

The Secretary of State may, by Special Order, require that particulars of work and wages shall be supplied to outworkers of whom lists are required to be kept.

Particulars of work and wages may be given.
s. 116, subs. (5).

The treatment of domestic factories and workshops, and of certain light domestic employments, is dealt with in Chapter I. (pp. 8 to 11).

(a) Other classes of work may be specified by the Secretary of State by Special Order. An order dated December 11, 1901, has been made in respect of the making, ornamenting, mending, and finishing of lace and of lace curtains and nets; upholstery work; and fur-pulling.

CHAPTER XVI.

PARTICULARS OF WORK AND WAGES

Where particulars must be supplied.

s. 116,
subs. (1), (5).

The Act of 1895 introduced an elaborate scheme regulating the particulars which an employer must supply to workers who are paid by the piece, in order that the workers may make sure of receiving their due wages. The scheme was applied in the first instance only to textile factories, but there was a provision that the Secretary of State might apply the scheme, with the necessary modifications, to any class of non-textile factories, or to any class of workshops. The scheme has been so applied, with certain modifications, to the making, altering, ornamenting, finishing, and repairing of wearing apparel other than boots and shoes; the making of iron and steel cables, chains, anchors and grapnels, and cart gear; locks, latches, and keys; felt hats; wholesale tailoring; pens; and without modifications to textile workshops (*see* Appendix of Orders). The scheme may now be applied to outworkers^(a) of whom lists must be kept.

Particulars of wages and particulars of work distinguished.
s. 116,
subs. (1).

Two classes of particulars must be supplied to the workpeople, particulars of rate of wages, and particulars of the work to be done. In some cases the workman must receive a separate ticket, showing the particulars which apply to his own work; in other cases it is enough to exhibit on a placard the particulars which apply to all the workers in a room.

Particulars of wages in the worsted and woollen trades.
s. 116,
subs. (1)(a).

In the worsted and woollen weaving trades, other than the hosiery trade, particulars of the rate of wages, applicable to the work to be done by each weaver, must be both furnished in writing to each workman separately when the work is given to him, and exhibited conspicuously on a placard.

Particulars of wages in the cotton weaving trade.
s. 116,
subs. (1)(b).

In the cotton weaving trade like particulars must be supplied in like manner to each weaver, and in this trade the basis and conditions by which the prices are regulated and fixed must be exhibited conspicuously on a placard in each room.

(a) For the cases in which this has been done, *see* Appendix of Orders *crenfter*.

In other textile trades (including the hosiery trade), it is generally necessary to supply particulars of the rate of wages in writing to each workman separately when the work is given to him. But if the same particulars are applicable to the work to be done by each of the workmen in one room, separate delivery of these particulars is not necessary, but it is enough to exhibit them conspicuously in that room on a placard.

Particulars of wages in other trades.
s. 116,
subs.(1) (c).

In all textile factories alike, such particulars of the work to be done as affect the amount of wages must be furnished to each workman in writing at the time when the work is given to him, except so far as they can be ascertained by means of an automatic indicator.

Particulars of work.
s. 116,
subs.(1) (d).

The use of symbols to express particulars of either kind is prohibited.

Use of symbols.
s. 116,
subs.(1) (e).

Where an automatic indicator is used for ascertaining work, the number of the teeth in each wheel, and the diameter of the driving roller, must generally be marked upon its case. But in the case of spinning machines with traversing carriages, the number of spindles and the length of the stretch must be marked on the indicator case, instead of the diameter of the driving roller.

Automatic indicators.
s. 116,
subs.(1) (f).

It is specially provided that, if particulars of the rate of wages are conspicuously exhibited on a placard in each room, in pursuance of an agreement between employer and employed, and particulars of the work to be done are ascertained by means of an automatic indicator, it is not necessary in any textile factory to furnish any further particulars.

Special agreement as to particulars to be supplied.
s. 116,
subs.(1) (g).

Any person who uses a false indicator, or tampers with an indicator, is liable to a penalty.

Fraudulent use of indicator.
s. 116,
subs.(2).

Any workman who discloses particulars furnished to him, for the purpose of divulging a trade secret, is liable to a penalty. Any person who solicits, procures, or pays for, the disclosure of particulars, for the purpose of discovering or divulging a trade secret, is also liable to a penalty.

Disclosure of trade secrets.
s. 116,
subs.(3),(4).

Inspection of weights and measures used in ascertaining wages.
s. 117.

All the weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking and ascertaining wages are subject to inspection by an inspector under the Weights and Measures Acts (a) as if they were used in the sale of goods. The inspector has the same powers and duties in both cases.

CHAPTER XVII.

THE TRUCK ACTS.

Prohibition of payment of wages otherwise than in current coin.

The main object of the Truck Acts is to ensure to workmen that no part of their wages shall be paid to them otherwise than in current coin of the realm, and that they shall not be subject to any promise or obligation to spend their wages in any particular manner or at any particular shop. The Acts are principally directed against payment of wages in goods, a proceeding by which the employer might either cheat the workman by giving him inferior goods or goods overcharged, or supply him with goods beyond his wages, get him into his debt, and then have an injurious control over him. The Acts are not concerned with a mere refusal to pay wages, but deductions made on certain specified grounds are dealt with by the Act of 1896.

1831, ss. 1, 2.
1887, s. 5.

The first Act, passed in 1831, begins by prohibiting two kinds of contract, for the payment of wages otherwise than in current coin or (if the workman consents) in bank notes, and for the expenditure of wages in any particular place or in any particular manner. Either of such contracts is declared to be "illegal, null, and void." Then actual payment of wages otherwise than in current coin is also declared to be "illegal, null, and void." An employer making either a contract or a payment declared to be illegal is punishable by fine. The effect of the

1831, ss. 4, 5, 6.
1887, s. 5.

(a) That is 41 & 42 Vict. c. 49. and 52 & 53 Vict. c. 21.

contract and payment being declared to be null and void is, that a workman can recover from his employer any balance of wages not paid in current coin, and that an employer cannot claim payment for goods supplied to the workman either by the employer or his agent or at any shop in which the employer is interested, and cannot meet the workman's claim for wages by a set-off or counter claim in respect of any goods so supplied. Further, if a workman becomes chargeable to the parish, the guardians, or the inspectors of the poor in Scotland, may recover from his employer any balance of wages earned by him and not paid to him in current coin. 1831, s. 7.

These general rules are subject to exceptions. An employer may agree to give, and may give, certain advantages to a workman, and these advantages may take the place of part of his wages, if there is an agreement in writing to that effect signed by the workman. These advantages may consist of the supply of medicine or medical attendance, of fuel, of materials, of tools or implements of miners, of hay, corn, or provender for horses or other beasts, of a cottage to live in, or of victuals cooked and eaten under the employer's roof. The employer may (if there is an agreement in writing) make a fair deduction from wages in respect of any of these matters, or in respect of any money advanced to provide for them. Further an employer may (without any separate agreement) advance money to a workman for a contribution to a friendly society or savings bank, or for his relief in sickness, or for his children's education at such school as the workman chooses, and may deduct from wages money so advanced. Lastly, an employer may undertake (by a separate agreement not necessarily in writing) the sharpening or repairing of the workman's tools, and may deduct money for this purpose from wages. Exceptions to general rule. 1831, s. 23. 1831, s. 24. 1887, s. 8.

It will be observed that none of these exceptions deal with mere deductions as such (as, for example, deductions made by way of fines for misconduct), which are in fact not prohibited by the Acts of 1831 and 1887. What those Acts prohibit in general, and what the exceptions authorise Deductions.

1887, s. 9.

in particular cases, is the supply of goods or other supposed benefits in substitution for part of the wages, such part of the wages being, of course, deducted from the amount actually paid. Where the deductions are on account of education, medicine, medical attendance, or tools, the employer must once a year submit an account of receipts and expenditure in respect of the deductions, to be audited on behalf of the workmen.

Restrictions on
deductions.

1896, subs.,

(1), (2), (3).

The Truck Act, 1896, restricts the right of an employer to make deductions from his workmen's wages, or to receive payment from the workmen, in respect of either fines, bad work or injury to the employer's goods, or supply by the employer of materials or means of carrying on the work. An employer is prohibited from making a contract with a workman for any such deduction or payment unless certain conditions are observed. The first condition, which applies to all the above-mentioned cases, is that either the terms of the contract must be contained in a notice kept constantly affixed so as to be easily seen, read, and copied by any person whom it affects, or else the contract must be in writing, signed by the workman. If the proposed deductions or payments are in respect of fines, there are further conditions that the contract must specify the conduct for which the fines may be imposed and the amount of the fines, that the fines must be for conduct likely to cause damage to the employer, and that the amount of the fines must be fair and reasonable. If the proposed deductions or payments are in respect of bad work or injury to the employer's goods, there are further conditions that the deductions or payments must not exceed the actual or estimated damage, and that the amount must be fair and reasonable. If the proposed deductions or payments are in respect of the supply by the employer of materials or means of carrying on the work, there is a further condition that the deductions or payments must not exceed, in the case of tools or materials, the actual or estimated cost thereof to the employer, and in other cases a fair and reasonable charge.

1896, s. 4.

It is an offence against the Truck Acts for an employer

to make a contract for deductions or payments in respect of any of the matters referred to, unless the above-mentioned conditions are observed. It is also an offence for the employer to make any such deduction, or to receive any such payment, unless the deduction or payment is in pursuance of, and in accordance with, a contract under the Act, and unless particulars in writing of the grounds and the amount of the deduction or payment are on each occasion delivered to the workman.

Sums paid or deducted contrary to the Act of 1896 may be recovered by the workman, if he brings his action within six months, but, if he has acquiesced in the deduction or payment, he can only recover the excess (if any) over the amount which it would have been fair and reasonable to deduct or demand.

Sums recoverable by workmen.
1896, s. 5.

In order to facilitate the enforcement of the Act, it is provided that an employer who has made a contract under the Act must produce the contract, or a copy of it, to the inspector when required, and must give any workman or shop assistant who is a party to the contract, a copy of the contract or notice at the time of making the contract, and at any later time on request.

Production of contract.
1896, s. 6.

An employer must also enter in a register any deduction or payment in respect of a fine, and must produce the register to the inspector.

Register 1896, s. 6, subs. (3).

The Secretary of State has power to exempt any trade or business from the operation of the Act, either generally or in any particular area. This power has at present been exercised only with regard to the industry of weaving cotton in Lancashire, Cheshire, Derbyshire, and the West Riding.

Power of exemption.
1896, s. 9.

The Act of 1887 makes it illegal to withhold any advance of wages to which a workman is entitled by custom or otherwise, or to charge discount for the advance.

Withholding advance of wages.
1887, s. 3.

The earlier Act of 1831 applied only to workmen employed in particular occupations specified in the Act. By the Act of 1887, the two Acts are made to apply to all workpeople employed in manual labour, except domestic servants. A person is not deemed to be employed in manual labour unless manual labour is the main part of

Persons to whom the Act applies.

1887, s. 2.

1896, s. 1.
subs. (3).

1887, s. 4.

Extension of
Acts to sale of
small articles
manufactured
at home.

1887, s. 10.

Administration
of Acts.

1887, s. 13.

1896, s. 10.

37 & 38 Vict.
ch. 48.

the work on which he is employed. The provisions of the Act of 1896 relating to deductions or payments in respect of fines apply to shop assistants in like manner as to work-people. With regard to servants in husbandry, to whom the earlier Act did not apply at all, there is now a special qualification allowing employers to contract to supply to them food, non-alcoholic drink, cottages, or other allowances or privileges, in addition to money wages.

The application of the Acts is extended by the Act of 1887 to a class of persons who, though not actually employed, are in a position analogous to that of persons employed. These are persons who manufacture at home, and sell to shopkeepers or dealers, articles which are made of wool, cloth, cotton, leather, silk, lace, or similar materials and which are of a value not exceeding 5*l*. These persons must be paid for such articles in current coin, subject to the same exceptions as in the case of workmen.

As far as concerns factories, workshops, laundries, and places to which work is given out from factories or workshops, these Acts are administered by factory inspectors, who for this purpose have the same powers as under the Factory Act.

The stoppage of wages for frame rents and charges in the hosiery trade is specially prohibited by the Hosiery Manufacture (Wages) Act, 1874. (*See* p. 239).

CHAPTER XVIII.

ADMINISTRATION.

A.—*Inspectors.*

B.—*Occupiers.*

C.—*Certifying Surgeons.*

D.—*The Secretary of State.*

E.—*Local Authorities.*

A.—*Inspectors.*

Position of
inspectors
under the
Home Office.
s. 118.

Wherever an inspector is mentioned in the Factory Act, the official referred to is an inspector of factories and workshops appointed by the Home Secretary. The Home Secretary controls the administration of the Act, and has

power to determine in what cases the inspectors are to execute their powers, and in what manner their duties are to be performed.

The following persons are disqualified from acting as inspectors:—

Disqualifications for acting as inspector.

- (1.) The occupier of a factory or workshop ;
- (2.) A person interested in a factory or workshop, or in any process or business carried on in it, or in a patent connected with it ;
- (3.) A person employed in or about a factory or workshop.

In the appointment of inspectors for Wales and Monmouth, persons who know Welsh are to be preferred.

Inspectors in Wales.

Notice of the appointment of an inspector must be published in the "Gazette."

Notice of appointment.

An inspector is relieved from liability to serve in any parochial or municipal office.

Relief of inspector from liability to hold office.

An inspector is generally authorised to exercise such powers as may be necessary for carrying the Act into effect. In particular he has the following powers:—

Powers of inspectors. s. 119.

- (1.) To enter by day any place which he has reasonable cause to believe to be a factory or workshop ;
- (2.) To enter, inspect, and examine, either by day or by night, at any reasonable time, any place which in fact is a factory or workshop or any part of one, if he has reasonable cause to believe that any person is employed there ;
- (3.) To take a constable into a factory or workshop if he has reasonable cause to fear obstruction ;
- (4.) To require the production of the registers, certificates, notices, and documents kept in pursuance of the Act, and to inspect, examine, and copy them ;
- (5.) To ascertain whether the requirements of the Factory Act and the Public Health Acts are complied with in a factory or workshop ;
- (6.) To enter any school in which he has reasonable cause to believe that any children employed in a factory or workshop are being educated ;

- (7.) To examine, either alone or in the presence of any other person, with respect to matters under the Act, any person whom he either finds in a factory or workshop or a school, or has reasonable cause to believe to be employed in a factory or workshop, or to have been so employed within two months ;
- (8.) To require any such person to be so examined, and to sign a declaration of the truth of his statements ;
- (9.) To prosecute, conduct, or defend before a court of summary jurisdiction or a justice, any proceeding arising under the Factory Act or in the discharge of his duty.

s. 120.

Assistance to
be given to an
inspector.
s. 119,
subs (2).

Obstruction of
inspector.
s. 119,
subs. (3).

The occupier of a factory or workshop and his agents and servants, are obliged to furnish an inspector with the means required by him for the exercise of his powers.

The following acts are declared to amount to obstruction of an inspector, and to be punishable by fine :—

- (1.) Delaying an inspector in the exercise of his powers ;
- (2.) Failure to comply with an authorised requisition by an inspector :
- (3.) Failure to produce a certificate or document ;
- (4.) Concealing or preventing a child, young person, or woman from appearing before an inspector or being examined by him ;
- (5.) Attempting to conceal or prevent such a person from so appearing or being examined.

No one bound
to criminate
himself.
s. 119,
subs. (3).

Penalties for
obstruction.
s. 119,
subs. (4).

Certificate of
appointment.
ss. 121, 139.

Any person may decline to answer a question which tends to criminate him, and commits no offence by so declining.

For the penalties for obstructing an inspector, *see* Chapter XIX., Legal Proceedings and Penalties, p. 104.

Every inspector is furnished with a certificate of his appointment, and on applying for admission to a factory or workshop he must, if required, produce his certificate to the occupier. Any person who either forges such a certificate, or uses a forged or false certificate, or personates an inspector, or falsely pretends to be an inspector, may be imprisoned for a period not exceeding three months, with or without hard labour.

Besides the ordinary powers enumerated above, an inspector has certain other powers and duties, which are dealt with elsewhere in this book. These powers and duties are—

Miscellaneous powers of inspectors.

- (1) to take proceedings where the district council are in default (*see* pp. 16 and 17);
- (2) to take part in proceedings at inquests (*see* p. 46);
- (3) to approve of a school for a child's attendance, where there is no recognised efficient school which the child can attend within 2 miles of its residence (*see* p. 42);
- (4) to appoint certifying surgeons (*see* p. 83); (a)
- (5) to enforce the Truck Acts (*see* p. 74);
- (6) to enforce the Elementary Education Acts so far as concerns the employment of children (*see* p. 41);
- (7) to enforce the Prevention of Cruelty to Children Act, 1894, if so directed by the Secretary of State.

57 & 58 Vict.
c. 41, s. 3,
subs. (2).

As far as relates to the sanitary condition of workshops, the position of the inspector is taken by the district council, acting by their officers the inspector of nuisances and the medical officer of health, who for this purpose have all the powers of a factory inspector. For this subject, and for the power of an inspector to take proceedings in case of default by the district council, *see* pp. 16 and 17. For the duty of the district council (or in London, of the county council) to enforce precautions against fire, *see* pp. 22-24.

Administrative duties of local authority.

B.—Occupiers.

The duties of the occupier of a factory or workshop with regard to the notices, lists, reports, returns, and registers required by the Act, may be arranged under three heads:—

Occupier's duties.

- (a.) Notices to be exhibited in the factory or workshop;
- (b.) Registers and lists to be kept in the factory or workshop;
- (c.) Notices, &c., to be sent.

(a) This power is exercised by the Chief Inspector of Factories.

(a.) *Notices to be exhibited.*

Notices to be
affixed in
factories and
workshops.

s. 111,
subs. (4).
s. 157,
subs. (5).

Notices in a factory or workshop must be affixed at the entrance, and in other places where required by the inspector. They must not be removed, and must be so placed as to be easily legible. The obligation to exhibit notices does not apply to domestic factories or workshops or to men's workshops.

It is compulsory in every factory and workshop to exhibit notices showing the following matters:—

s. 128.

(1.) An abstract of the Act in the prescribed form.(a)

(2.) The name and address of the prescribed in- } the
spectator. } in

(3.) The name and address of the certifying } surgeon. } le ac

(4.) The clock (if any) by which times are fixed.

s. 3,
subs. (4).

(5.) The number of persons who may be em- } inc Abs
ployed in each room. } be

s. 32.

(6.) The period of employment and meal times, } To
and the mode of employment of children.(b) }

s. 35,
subs. (3).

It is compulsory in Scotland and Ireland to exhibit a notice showing the holidays for the year. (This must be done in the first week in January.)

It is compulsory in certain factories and workshops to exhibit notices showing the following matters:—

s. 77.

(1.) Prohibition of employment of children and young persons.

s. 78.

(2.) Prohibition of taking meals in certain parts.

s. 86,
subs. (2).

(3.) A copy of the regulations for dangerous trades in force.(c)

s. 92,
subs. (2)
(b) (d).

(4.) Table of limits of humidity and readings of the thermometer (in cotton cloth factories and humid textile factories).

Where it is intended in particular factories or workshops

(a) In tenement factories the responsibility for the affixing of an abstract and notices is laid upon the owner (s. 87).

(b) These matters may not be altered until a fresh notice has been exhibited. For responsibility in tenement factories *see* note (a) above, but the occupier may affix this notice if he like (s. 87, subs. (1)).

(c) In Wales and Monmouth the rules must be posted in Welsh as well as in English (s. 86, subs. (2)). For the various rules now in force, *see* Appendix, p. 258.

to take advantage of certain special provisions of the Act, it is necessary as a condition of the right to take such advantage, to exhibit notices showing the following matters :—

- | | |
|---|----------------------|
| (1.) Intention to act upon a special exception.(a) | s. 60,
subs. (4). |
| (2.) Substitution of other holidays in England and Wales for those fixed by the Act (to be exhibited in the first week in January). | s. 35,
subs. (5). |
| (3.) Substitution of other holidays for those stated in notice for Scotland and Ireland (to be exhibited 14 days before the proposed day). | s. 35,
subs. (3). |
| (4.) Further substitution of holidays (to be exhibited 14 days before the proposed day). | s. 35,
subs. (3): |
| (5.) Notice of eight hours maximum of employment in any week (where it is desired to employ young persons or women in a non-textile factory or workshop for eight hours on Saturday). | s. 30. |
| (6.) Substitution of another half holiday for Saturday. | s. 43. |
| (7.) Intention to change the period of employment or meal times or mode of employment of children. | s. 32,
subs. (3). |

(b) *Registers and Lists to be kept.*

These registers and lists must be kept open to inspection by the inspector. They need not be kept in domestic factories or workshops, and the only requirement which applies to men's workshops is No. 2. They are as follows :—

- | | |
|--|---------|
| (1.) The General Register (in every factory and workshop), showing the prescribed particulars as to :— | s. 129. |
| (a) the children and young persons employed ; | |
| (b) linewashing ; | |
| (c) every accident of which notice must be sent to an inspector ; | |
| (d) every special exception of which the occupier avails himself ; and | |
| (e) any other matters prescribed. | |
| (2.) List of outworkers(b) and their places of employment (in the occupations specified on p. 66). | s. 107. |

(a) A full list of special exceptions is given on p. 82.

(b) These lists must be kept also by contractors employed by an occupier.

- s. 60,
subs. (4). (3.) Register of overtime in the prescribed form (whenever overtime is worked).
- s. 60,
subs. (4). (4.) Record of overtime in the prescribed form (whenever overtime is worked).

(c.) *Notices, &c. to be sent.*

With three exceptions, all the notices an occupier of a factory or workshop may be required to send (a) are to be sent to the inspector for the district. The exceptions are :—

(a.) To the Chief Inspector.

- s. 130. (1.) Return of persons employed (to be sent at the direction of the Secretary of State, at intervals of not less than 1 or more than 3 years). (b)

- ss. 93, 96. (2.) Notice of artificial production of humidity (to be sent by occupier of cotton cloth or of other humid textile factory).

(b.) To the District Council.

- s. 107,
subs. (1) (c). (3.) Lists of outworkers and their places of employment in the occupations specified on p. 66 (to be sent on or before February 1 and August 1). (c)

Notices to be
sent to the
inspector.

The occupier of a factory or workshop is required to serve the following notices on the inspector for the district. In two cases (alluded to in footnotes) the notice must be served also upon the certifying surgeon :—

- s. 127. (1.) Notice of occupation of a factory or workshop (to be sent within a month after commencing occupation).
- s. 19,
subs. (1). (2.) Notice of any accident causing death or serious bodily injury (to be sent forthwith). (d)
- s. 73,
subs. (3). (3.) Notice of lead, phosphorous, or arsenical or mercurial poisoning, or anthrax. (e)

(a) For mode of serving notices, see s. 148.

(b) The occupier of any place to which any of the provisions of the Act apply, may be required by the Secretary of State to make a like return (s. 130, subs. (2)).

(c) Contractors employed by an occupier must also send these lists, and an inspector may require copies of or extracts from them to be sent to him (s. 107, subs. (1) (b)).

(d) Notice of accidents must also in certain cases be sent to the certifying surgeon (see s. 19, subs. (2)).

(e) Notice must also be sent to the certifying surgeon.

- | | |
|---|--------------------------|
| (4.) Notice of readings of thermometer in cotton cloth factories (to be sent at the end of each month). | s. 32,
subs. (2) (c). |
| (5.) Report of overtime employment (to be sent not later than 8 p.m. on the day of the employment). | s. 60,
subs. (4). |

Where it is intended in particular factories or workshops to take advantage of certain special provisions of the Act, the occupier must, as a condition of the right to take such advantage, serve notice on the inspector showing the following matters:—

- | | |
|---|----------------------|
| (1.) Intention to conduct a workshop on the principle of not employing children or young persons. | s. 22,
subs. (1). |
| (2.) Intention to alter the above system. | s. 29,
sub. (2). |
| (3.) Intention to conduct a flax scutch mill on the system of not employing children or young persons. | s. 57. |
| (4.) Intention to change the period of employment or meal times, or the mode of employment of children. | s. 32,
subs. (3). |
| (5.) Intention to act upon a special exception.(a) | s. 60,
subs. (1). |
| (6.) Substitution of other holidays in England and Wales for those fixed by the Act (to be sent in the first week in January). | s. 35,
subs. (3). |
| (7.) Substitution of other days for those stated in notice for Scotland and Ireland (14 days' notice to be given). | s. 35,
subs. (3). |
| (8.) Further substitution of holidays (to be sent 14 days before the proposed day.) | s. 35,
subs. (3). |
| (9.) Notice of eight hours maximum of employment in any week (when it is desired to employ young persons and women in a non-textile factory or workshop from 6 a.m. to 4 p.m. on Saturday). | s. 30. |

The following is a list of the subjects of special exceptions under the Act. In all cases the occupier of a factory or workshop, before availing himself of a special exception, must exhibit a notice of his intention in the factory or workshop, and serve a similar notice on the inspector for the district. The cases in which the exceptions are in force will be found by referring to the notes (in Part II.) to the sections indicated below in the margin.

(a) A full list of special exceptions is given on p. 82.

List of special exceptions :—

- s. 36. (1.) Employment from 9 a.m. to 9 p.m.
- s. 37. (2.) Employment of males over 16 between 4 a.m. and 10 p.m. in lace factories.
- s. 38. (3.) Employment of males over 16 between 5 a.m. and 9 p.m. in bakehouses in which bread is baked.
- s. 39. (4.) Continuous employment for 5 hours in textile factories between November 1 and March 31.
- s. 39. (5.) Continuous employment for 5 hours in hosiery factories.
- s. 40. (6.) Meal times allowed to be not simultaneous.
- s. 40. (7.) Presence allowed during meal times in room where work is done.
- s. 41. (8.) Exemption from certain provisions in fish preserving.
- s. 41. (9.) Exemption from certain provisions in fruit preserving.
- s. 42. (10.) Variation of period of employment, and Sunday and holiday employment in creameries.
- s. 43. (11.) Substitution of another half holiday for Saturday.
- s. 44. (12.) Employment till 4.30 p.m. in Turkey red dyeing.
- s. 45. (13.) Holidays allowed to be not simultaneous.
- s. 46. (14.) Employment inside and outside on the same day.
- s. 47. (15.) Saturday employment and holidays for Jews.
- s. 48. (16.) Sunday employment for Jews.
- s. 49. (17.) Overtime of women where goods are liable to be spoiled by the weather or through press of orders.
- s. 50. (18.) Overtime of women (perishable articles).
- s. 51. (19.) Overtime for half an hour to complete an incomplete process.
- s. 52. (20.) Overtime in water mills.
- s. 53. (21.) Overtime to prevent damage in Turkey red dyeing and open-air bleaching.
- s. 54. (22.) Night work of male young persons of 14.
- s. 55. (23.) Night employment of male young persons of 14 in glass works.
- s. 56. (24.) Night work of male young persons of 16 employed in printing newspapers.

C.—Certifying Surgeons.

A certifying surgeon is appointed by the Chief Inspector, who may revoke the appointment. Every appointment or revocation may be annulled by the Secretary of State on appeal to him.

The person appointed must be a duly registered medical practitioner, and must not be directly or indirectly interested in a factory or workshop in his district, or in any business or process or patent connected with such factory or workshop.

Where there is no certifying surgeon for a factory or workshop, the poor-law medical officer for the district (a) is to act for the time being.

The name and address of the certifying surgeon for the district is to be affixed in every factory and workshop.

The main duties of a certifying surgeon are—

- (a) to examine children and young persons as to their fitness for employment in a factory ;(b) and
- (b) to investigate and report to the inspector upon accidents occurring in a factory or workshop.

He is also required to make a similar investigation and report with respect to every case of lead, phosphorous, arsenical, or mercurial poisoning, or anthrax, occurring in a factory or workshop and reported to him by the occupier ;(c) he must examine persons under Special Rules; and he must, when directed by the Secretary of State, re-examine any child or young person, and make any special inquiry.

He must make an annual report to the Secretary of State, at the prescribed time, as to the persons he has inspected and the results of such inspection, and he must comply with all rules made by the Secretary of State for his guidance.

(a) In Scotland the medical officer appointed by the parish council; in Ireland the medical officer of a dispensary district (see s. 159, subs. (4), and s. 160, subs. (6)).

(b) And when required by the occupier, in a workshop (s. 65).

(c) Any medical practitioner called in to such a case must send notice of it to the chief inspector (s. 73, subs. (1)). The Secretary of State may, by Special Order, add to the list of diseases given above (s. 73, subs. (4)).

Appointment.
s. 122.

Poor law
medical officer
to act in certain
cases.

s. 123.

Name and
address to be
exhibited.

s. 128.

subs. (1) (c).
Duties.

ss. 63, 64.

s. 20.

s. 73,
subs. (3).

s. 124,
subs. (2).

s. 122,
subs. (5).

s. 122,
subs. (6).

s. 122
subs. (4).

Conditions of
granting a
certificate.

s. 64,
subs.(2),(3).

(a.) *Certificates of Fitness*.—No certificates may be granted without a personal examination of the person named in the certificate, and the examination must generally be made in the factory or workshop where the child or young person is employed or about to be employed. But if less than five children or young persons are employed in the factory or workshop, or if, for some special reason, written permission is obtained from the inspector, the examination may be made elsewhere. The certifying surgeon may grant a certificate in respect of employment in all or any of the factories in the occupation of the same occupier which are within his district.

s. 64,
subs. (7).
s. 64,
subs. (4).

If the certifying surgeon is satisfied by the production of a certificate of birth or other satisfactory evidence that the person examined is of the age specified in the certificate and is not incapacitated by disease or bodily infirmity for the proposed employment, he is to grant the certificate.

s. 64,
subs. (5).

The certifying surgeon may qualify a certificate by conditions as to the work on which a child or young person is fit to be employed.

s. 64,
subs. (6).

For the purpose of examining any process in which it is proposed to employ the child or young person presented to him the certifying surgeon has the same powers as an inspector.

s. 64,
subs. (10).

If a certifying surgeon refuses to grant a certificate, he may be required to state in writing the reasons for his refusal.

When a
certificate may
be annulled by
the inspector.

s. 64,
subs. (9).

If the evidence as to age, upon which the certifying surgeon has granted a certificate, is other than a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe the real age of the child or young person to be less than that mentioned in the certificate of fitness.

Examination
of person
objected to.

s. 67.

He may be required to examine a child or young person objected to by an inspector as physically unfit for employment in a factory or workshop.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop, and believed him to be under the age set forth in the declaration, is admissible as evidence of the age of that person.

Declaration of age by certifying surgeon. s. 147, subs. (3).

(b.) *Accidents.*—On receipt of a notice of accident (a) from the occupier of a factory or workshop, the certifying surgeon must proceed without delay to the factory or workshop, and make a full investigation into the circumstances of the accident. And he must within twenty-four hours send his report to the inspector for the district.

Investigation of accidents. s. 20.

For the purposes of these investigations the certifying surgeon has the same powers as an inspector, and he also has power to enter any room in a building to which the person killed or injured has been removed.

The fees for certificates of fitness and for examination under Regulations for dangerous trades must be paid by the occupier. Fees for the investigation of accidents, for re-examination, and for special inquiry, must be paid by the Secretary of State.

Regulations as to fees. s. 124.

The occupier may agree with the certifying surgeon as to the fee to be paid for certificates of fitness, but in the absence of any agreement the scale of fees is that given below (subject to alteration by the Secretary of State). The fees are to be paid on the completion of the examination, or, if a certificate be granted, on the signing of the certificate, or at any other time directed by the inspector.

Scale of Fees for Certificates of Fitness.

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence.	} 2s. 6d. for each visit, and 6d. for each person after the first five examined at the visit.	Sched. V. Part I.

When the examination is at a factory or workshop more than one mile from the surgeon's residence.	} The above fees and an additional 6d. for each complete half mile over and above the mile.

(a) For accidents which must be reported to a certifying surgeon, see Chapter VIII. Accidents.

When the examination is
 not at a factory or workshop,
 but at the residence of the
 surgeon or at some place
 appointed by the surgeon for
 that purpose, and which
 place, as well as the day and
 hour appointed for the pur-
 pose, shall be published in the
 prescribed manner.

6d. for each person ex-
 amined.

*Scale of Fees. Regulations for Dangerous Trades and
 Special Inquiries.*

Sched. V.
 Part II.

The scale of fees for examination under Regulations
 for dangerous trades (payable by the occupier) and for
 re-examination or special inquiry directed by the Secretary
 of State (payable by him) are as follows:—

	s.	d.
Under 10 hands - - -	2	6 per visit.
" 20 " - - -	3	0 "
" 30 " - - -	3	6 "
" 50 " - - -	4	0 "
" 75 " - - -	4	6 "
" 100 " - - -	5	0 "
Over 100 " - - -	7	6 "

With the addition of 1s. for every mile or portion of a
 mile in excess of one mile from the certifying surgeon's
 residence.

Scale of Fees for investigation and report of Accidents.

s. 124,
 subs. (3).

The scale of fees (payable by the Secretary of State, and
 fixed by him) is as follows:—

If not more than one mile has been travelled	-	3s.
If more than one mile, but not more than two, has been travelled	- - - -	4s.
If more than two miles, but not more than three, has been travelled	- - - -	5s.
And in addition, for every half mile beyond three miles	- - - -	6d.
But no fee is to exceed 10s.		

D.—*Orders of the Secretary of State.*

Many of the provisions of the Factory Act depend for their effect on the making of Orders and of Special Orders by the Secretary of State. Some of these provisions impose special obligations on the occupiers of factories or workshops, others confer on them special powers, others allow them special exemptions from general obligations. In all these cases power is given to the Secretary of State to specify classes of factories and workshops to which the various provisions are to apply. Sometimes he does so by way of addition to a schedule appended to the Act, sometimes the provisions of the Act do not apply at all except so far as they are brought into operation by the Secretary of State.

Scope of
Orders and
Special Orders.

In order to exercise such a power, the Secretary of State must, except in the four cases mentioned below, make and sign a Special Order, which must be published in such manner as he thinks best adapted for the information of all persons interested. The Secretary of State may impose such conditions in the order as he thinks desirable, and wide powers are given to him to direct any steps necessary for carrying the order into effect. He may also rescind any order made by himself or one of his predecessors. A Special Order, when made, must be laid before both Houses of Parliament, and either House may by resolution annul it within 40 days, without prejudice to anything done in the meantime, or to the making of a new order.

Making of
Special Orders.
s. 126.

s. 58.

s. 59.

s. 126,
subs. (3).

Unconditional power is given to the Secretary of State to make Orders. The subjects in respect of which Orders may be made are as follows:—

Cases in which
Orders may be
made.

- (1.) Power to act in default of local authority. s. 4.
- (2.) Substitution of owner for occupier for certain purposes in cotton cloth tenement factories. s. 87, subs. (3).
- (3.) Alteration of table of humidity. s. 91.
- (4.) Exemption of Crown factories and workshops in public emergency. s. 150.
- (5.) Repeal of provisions in previous Acts. Sched. VII. Part II.

The cases in which Special Orders may be made are divided below into three classes, the first relating to special obligations, the second to special powers, and the third to

Cases in which
Special Orders
may be made.

special exemptions. Details of the orders (if any) which have been made in each of these cases will be found in Part II. in the notes to the respective sections referred to in the margin, or in the Appendix of Orders.

List of cases of special obligations imposed on occupiers :—

- | | |
|--------------------------------|---|
| s. 78,
subs. (4).
s. 66. | (1.) Prohibition of taking meals in certain parts. |
| s. 107. | (2.) Requirement of certificates of fitness for workshops. |
| s. 108. | (3.) Requirement to keep lists of outworkers. |
| | (4.) Prohibition of employment of outworkers in unwholesome premises. |
| s. 110. | (5.) Prohibition of home work where there is infectious disease. |
| s. 3,
subs. (2). | (6.) Requirement of extra space when artificial light is used. |
| s. 3,
subs. (3). | (7.) Requirement of extra space when place is occupied by day as workshop and by night as sleeping apartment. |
| s. 6. | (8.) Requirement of thermometers in factories and workshops. |
| s. 7. | (9.) Standard of ventilation. |
| s. 9. | (10.) Standard of sufficiency and suitability in sanitary conveniences. |
| s. 73. | (11.) Requirement of notice of certain diseases in factory or workshop. |
| s. 96. | (12.) Adaptation of provisions relating to cotton cloth factories to textile factories. |
| s. 116. | (13.) Requirement of particulars in non-textile factories and workshops and for outworkers. |

List of cases of special powers conferred on occupiers :—

- | | |
|--------|--|
| s. 36. | (1.) Employment from 9 a.m. to 9 p.m. |
| s. 43. | (2.) Substitution of another half holiday for Saturday. |
| s. 39. | (3.) Continuous employment for 5 hours in textile factories between November 1 and March 31. |
| s. 39. | (4.) Continuous employment for 5 hours in hosiery factories. |
| s. 45. | (5.) Allowing different holidays to different persons. |
| s. 49. | (6.) Overtime employment of women to meet bad weather or press of orders. |

- (7.) Overtime employment for half hour at end of day. s. 51.
- (8.) Overtime employment of women to preserve perishable articles. s. 50.
- (9.) Overtime employment in water mills. s. 52.
- (10.) Night employment of male young persons of 14. s. 54.
- (11.) Treatment of separate branches as separate factories or workshops. (a) s. 151.
- (12.) Variation of period of employment and partial employment on Sundays and holidays in creameries. s. 42.

List of cases of special exemptions allowed to occupiers:—

- (1.) From obligation to linewash. s. 7.
- (2.) From obligation to make all meal times simultaneous. s. 40.
- (3.) From prohibition of employment or of presence during meal times in rooms where work is being done. s. 40.
- (4.) From regulations as to inside and outside employment. s. 46.
- (5.) From application of Act to certain domestic workshops. s. 114.
- (6.) From application of provisions as to period of employment, times for meals, and holidays; (1) in fish preserving on arrival of the fishing boats; (2) in fruit preserving during certain months. s. 41, subs. (1) (a), (b).

E.—Local Authorities.

The administrative responsibility placed by previous Factory Acts upon local authorities has been considerably increased by the Act of 1901: they are now responsible, as a special duty, in addition to any duty they may ordinarily discharge under the Public Health Acts, for the administration of the following provisions, which will be found in detail in the chapters to which reference is given:—

- (a) in factories and workshops, certain provisions of the Factory Act relating to means of escape from fire; (Chapter III.—(b.) Fire.) s. 14.
- (b) in workshops and workshop laundries, the sanitary provisions of the Public Health Acts, and certain ss. 2, 3, 7, 8, 103, subs. (1)(d).

(a) The approval in writing of the Chief Inspector must be obtained (s. 149 (2)).

supplemental sanitary provisions of the Factory Act; (Chapter II.—B. Workshops; and Chapter X.)

s. 9.

(c) in factories and workshops in London, and in England and Wales where s. 22 of the Public Health Amendment Act, 1890, is in force, the provisions of the Public Health Acts relating to a sufficient and suitable supply of sanitary conveniences; (Chapter II.—B. Workshops.)

ss. 97–102.

(d) in retail bakehouses, the special sanitary provisions of the Factory Act relating to bakehouses; (Chapter XII.) and

ss. 107, 108, 110.

(e) in places where home-work is done, the principal provisions of the Factory Act directed to secure sanitary conditions. (Chapter XV.)

38 & 39 Vict.
c. 55. s. 126,
subs. (3).

41 & 42 Vict.
c. 52. s. 142,
subs. (3).

54 & 55 Vict.
c. 76. s. 68,
subs. (1) (c).

60 & 61 Vict.
c. 38. ss. 49, 56,
subs. (1) (c).

Supervisory
control by
Secretary of
State.

s. 4.

With a view to checking the spread of infectious disease, local authorities are given powers under the Public Health Acts with regard to clothes sent to laundries. These powers are dealt with in the chapter on laundries. (Chapter X.)

Although the administration of certain provisions of the Act, and the charge of certain workshops and workplaces under the Act, is partly entrusted to local authorities, the Secretary of State has, in all these cases, supervisory control. This control may be exercised in two ways: first, the Secretary of State may, by order, direct an inspector to act independently of the local authority if he is satisfied that there has been neglect on their part. The period during which the inspector may act is to be specified by the Secretary of State in the order of authorisation. This power is intended to provide against general default, and the Secretary of State is enabled to intervene in respect of matters within either the Factory Act or the Public Health Acts. Secondly, the inspector may himself take action where he notices default in a particular case, and the local authority fail to act, within a month, on his representation. But, with the exception of the provisions relating to means of escape from fire, this method of intervention is confined to matters which can be dealt with only under the Public Health Acts. Under both methods

s. 5.

the expenses of successful proceedings may be recovered from the local authority; but under the first the Secretary of State may recover the cost of unsuccessful proceedings.

The local authority is referred to throughout the Act as the district council. This means, in London: for the administrative county, the borough council; for the city, the court of common council; but the administration of the provisions relating to the means of escape from fire and the power to make bye-laws on this subject is, for the administrative county of London, placed in the hands of the London County Council. In county boroughs the authority is the county borough council; in Scotland, it is the authority under the Public Health (Scotland) Act, 1897; and in Ireland it is the district council under the Local Government (Ireland) Act, 1898.

Local authorities responsible.
s. 153.

s. 154.

s. 159, subs. (2).

The powers of district councils and their officers for the purpose of their duties with respect to workshops and workplaces under the Factory Act and the Public Health Acts are the same as those of a factory inspector.

Administrative powers of local authorities.
s. 125.
ss. 119, 120.

District councils are given powers to make bye-laws providing for means of escape from fire (in addition to any power they already possess). The powers of the London County Council for the prevention of fire under s. 164 of the London Building Act, 1894, which are limited to buildings over 60 feet in height, are extended to all factories and workshops of whatever height.

Bye-law powers of local authorities.
ss. 15, 159, subs. (17).
s. 160, subs. (13).
s. 153, subs. (3).

Where responsibility would otherwise lie upon the district council, it is in the case of Crown factories and workshops transferred to the inspector of factories.

Crown factories and workshops.
s. 150, subs. (3).

Any duly authorised officer of the district council is entitled to inspect the outworkers' lists kept by occupiers or contractors. Copies of these lists must be sent to the district council twice a year (on or before February 1st and August 1st), and must be examined by them; and the name and address of any outworker outside the district included in the list must be furnished to the district council in whose district the worker lives.

Outworkers' lists.
s. 107.

Register of
workshops.
s. 131.

Every district council must keep a register of the workshops in the district.

Report of
medical officer
of health.
s. 132.

The medical officer of health must report annually to his council upon the administration of the Factory Act in workshops and workplaces, and this report must be sent to the Secretary of State.

Notices be-
tween local
authority and
factory in-
specteur.
ss. 127, 133.

When an inspector receives notice of the occupation of a workshop he is required to send it to the district council, and the medical officer of health is required to inform an inspector when he becomes aware of a workshop in which a child, young person, or woman is employed, and in which there is no Abstract of the Act.

Arbitration be-
tween local
authority and
owner.
s. 14,
sched. I.

Where there is a difference of opinion between the district council and the owner of a factory or workshop in respect of the precautions against fire the district council have by notice required to be taken, either party may within a month require the matter to be referred to arbitration. The arbitration is to be conducted according to the rules in the first schedule, and it may either discharge, amend, or confirm the notice. If the notice is confirmed or amended by the award, the owner is required, under penalty, to comply with the requirements of the notice.

CHAPTER XIX.

LEGAL PROCEEDINGS AND PENALTIES.

I. LEGAL PROCEEDINGS—GENERAL.(a)

The court
having juris-
diction.

s. 144,
subs. (1), (2).

All offences under the Factory Act are prosecuted, and all fines recovered, before a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts.(b) Summary orders are made by a similar court in similar manner.

(a) Where an asterisk is attached to a marginal reference it indicates that the provision to which the reference relates applies also to Scotland.

(b) In Ireland the fines are imposed as directed by the Fines Act (Ireland), 1851 (unless there is other express provision in the Factory Act). See s. 160 subs. (10).

The court (a) must consist of two or more justices of the peace sitting in petty sessions, or of the Lord Mayor or an alderman within the City of London, or of a metropolitan or borough police magistrate or other stipendiary magistrate in a district in which such magistrate is authorised to act. The occupier of the factory or workshop in which an offence is charged to have been committed, and his father, son, and brother are all disqualified from acting as members of the court trying the offence. So also is anyone who is engaged in, or is an officer of any association of persons engaged in, the same trade or occupation as the person charged with the offence.

Composition of the court.
42 & 43 Vict.
c. 49. s. 20.

s. 144,*
subs. (4), (5).

The foundation of all proceedings is an "information," which is a written statement of the offence charged. The description of any offence in the words of the Act, or of any order creating the offence, is sufficient in law. No exception, exemption, or qualification accompanying the description of the offence need be specified or negatived. It is sufficient to describe the factory or workshop as a factory or workshop "within the meaning of the Factory and Workshop Act, 1901." The occupier may be described by the usual title of the firm, or by the name of the ostensible occupier employing the persons in the factory or workshop. The information must be laid within three months after the date at which the offence came to the knowledge of the inspector for the district; or if an inquest is held in relation to the offence, then within two months after the close of such inquest, but no information may be laid after the expiration of six months from the commission of the offence.

The information.
42 & 43 Vict.
c. 49. s. 39.

s. 146,*
subs. (2), (3).

s. 146,*
subs. (1).

After the information is laid a summons is issued by the justices stating shortly the matter of such information, and requiring the person charged, or against whom relief is sought, to appear before the justices at a certain time and place.

The summons.

(a) In Dublin (within the metropolitan police district) the court must consist of one of the divisional justices of the district; elsewhere in Ireland it must consist of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone or with others, or of two or more justices of the peace sitting in petty sessions. See s. 160 subs. (8).

No objection
to form.
11 & 12 Vict.
c. 43. s. 1.

No objection is allowed to the information or summons for any defect of substance or form, but if the person charged is misled by such defect the case may be adjourned to some future day; nor may any conviction or order be quashed for want of form.

Disposition of
fines.

s. 144,
subs. (3).

Appeal on
question
of fact.

s. 145.
42 & 43 Vict.
c. 49. s. 31.

Unless otherwise provided in any particular case fines recovered are paid into the Exchequer.

If any person feels aggrieved by any conviction or order made by a court of summary jurisdiction, he may appeal (*a*) therefrom to the next practicable court of general or quarter sessions having jurisdiction in the county, borough, or place for which the court of summary jurisdiction acted, which is held not less than 15 days after the day of the decision complained of. The appellant must, within seven days of such decision, serve a notice of his intention to appeal and of the general grounds of such appeal, on the other party and on the clerk of the court of summary jurisdiction. Each of these notices must be in writing signed by the appellant, or his agent, and may be sent by post by registered letter, in which case it is deemed to be served at the time when it would be delivered in the ordinary course of the post. Within three days of the day on which these notices are served, the appellant must enter into a recognizance (with or without securities as the court may direct) or give such other security as the court may require, to proceed in due course with the trial of the appeal, and to pay any costs which may be awarded against him.

The court which tries the appeal may either confirm, reverse, or modify the decision of the court of summary jurisdiction, or may remit the matter to that court with the opinion of the court of appeal thereon. The court of appeal may also exercise any power which the court of summary jurisdiction might have exercised and make any order in the matter which appears just. Either party may be ordered to pay such costs as the court of appeal shall think fit.

(*a*) In Ireland appeals from a court of summary jurisdiction lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Act. See s. 160 subs. (9).

If a party to any proceedings is dissatisfied with the decision of a court of summary jurisdiction on the ground that it is erroneous in point of law, or is in excess of jurisdiction, he may apply to the justices to state a special case for the opinion of the High Court. If the justices refuse to do this the High Court has power to order a case to be stated. This "case" is a document which sets out the facts of the case as found by the justices (with which finding the High Court will not interfere) and the grounds on which the decision is questioned.

Appeal by special case on question of law.
42 & 43 Vict.
c. 49. s. 33.

The application to state a case must be made and the case stated within seven days of the giving of the decision objected to. Except for the purpose of a special case, no conviction or order of a court of summary jurisdiction, against which there is a right of appeal, may be removed by *certiorari* into a superior court.

Rule 18 of
July 16, 1886.

s. 146,*
subs. (4).

A person charged with any offence under this Act is allowed, if he thinks fit, to give evidence on his own behalf.

Accused may give evidence.
61 & 62 Vict.
c. 36.*

Any person found in a factory or workshop (except a domestic factory or workshop) is presumed until the contrary be proved to be a person employed in that factory or workshop, unless such person is so found at meal times, or (in a factory) while all the machinery is stopped, or while bringing food to a person employed between four and five o'clock in the afternoon. Yards, playgrounds, or other places open to public view are not, however, to be considered as parts of a factory or workshop within this rule; nor are schoolrooms, waiting rooms, or other rooms in which no machinery is used or manufacturing process carried on.

Presumption as to employment.

s. 147,*
subs. (1).

Whenever the court is of opinion that any child or young person is of the age alleged by the informant, the burden is on the defendant to prove that such child or young person is not of that age. A written declaration by a certifying surgeon, that any person whom he has examined is in his opinion under the age stated in the declaration, is admissible as evidence of that person's age. A previous conviction for any offence under the Act is

Proof of age.
s. 147,*
subs. (2), (3).

Proof of
previous
conviction.
s. 147,*
subs. (4).

proved by the production of a copy of the conviction certified under the hand of the clerk of the peace to be a true copy. Every clerk of the peace who has the custody of any such conviction is bound to deliver such copy to an inspector, on request in writing being made, and a fee of one shilling paid.

Judicial notice
of regulations.
s. 86,*
subs. (6).

Judicial notice is to be taken of Regulations for Dangerous Trades in force under the Act.

Occupier may
shift respon-
sibility.
s. 141.*

Where the occupier of a factory or workshop is charged with an offence, and he alleges that some other person than himself is really in fault, he may lay an information against that other person, and cause him to be brought before the court when the charge is being heard. Then when the offence is proved, the occupier is at liberty to prove, if he can, that he used all due diligence in the matter in question, and that the person charged by him committed the offence without his knowledge, consent, or connivance. If this is proved to the satisfaction of the court, the person charged by the occupier may be convicted, and the occupier exempted from any fine. The other person, when convicted, may also be ordered in the discretion of the court to pay any costs of the proceedings. Another person may, in the first instance, be charged by the inspector with the actual commission of an offence for which the occupier is liable.

s. 140.*

II. LEGAL PROCEEDINGS IN SCOTLAND.(a)

s. 159,
subs. (20).
27 & 28 Vict.
c. 53.
44 & 45 Vict.
c. 33.

All offences are prosecuted and all penalties recovered under the provisions of the Summary Jurisdiction (Scotland) Acts, in the sheriff court of the county where the offences are committed, and summary orders are made by the same court.

s. 159,
subs. (20).

Prosecutions may be at the instance of the Public Prosecutor for the county or of any inspector under the Act.

The proceedings commence with a petition or complaint to the sheriff of the county, which is prepared by the

(a) Where, in Part I. of this Chapter, an asterisk is attached to a marginal reference it indicates that the provision to which the reference relates applies also to Scotland.

complainer and contains a narrative of the offence complained of and the section or sections of the Act alleged to have been contravened. On presentation of the petition the sheriff grants to the sheriff officers, as a matter of course, a warrant or order to serve the accused person with a copy of the petition or complaint, to require the accused to appear personally before him at a stated time and place to answer to the charge, and to cite witnesses or havers for both parties for all diets in the cause. The petition or complaint is served on the accused person by an officer of court, and at the appointed time and place the accused must attend, when the sheriff hears the case and disposes of it.

The Act provides for any person appealing from any order or conviction of the sheriff to the Court of Justiciary under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under and in terms of the Summary Prosecutions Appeals (Scotland) Act, 1875.

s. 159,
subs. (27).

Under the former Act any party to a case can appeal to the next Circuit Court of Justiciary for the district by taking and entering an appeal in open court at the time of pronouncing judgment or within ten days thereafter. The Note of Appeal is in the form of a petition, and contains the reasons of appeal, and the appellant must lodge in the hands of the Clerk of Court a bond with sufficient cautioner for answering and abiding by the judgment of the Circuit Court, and for paying the costs.

Appeal on
question of
fact.
20 Geo. II,
c. 43.

Under the Summary Prosecutions Appeals (Scotland) Act, 1875, either party to a cause may, if dissatisfied with the sheriff's determination as erroneous in point of law, appeal to the High Court of Justiciary by applying within three days after judgment to the sheriff to state and sign a case setting forth the facts and grounds of his judgment for the opinion of the High Court, and by lodging a bond with sufficient cautioner for abiding judgment and paying costs.

Appeal by case
on point of
law.
38 & 39 Vict.
c. 52.

Fines recovered are paid to the King's and Lord Treasurer's Remembrancer on behalf of the Exchequer and are carried to the Consolidation Fund.

Disposition
of fines.
s. 159,
subs. (25).

Competency of
inspector to
give evidence.

s. 159,
subs. (23).

It is specially provided that it is competent for an inspector to give evidence in proceedings brought at his own instance, as the complainant is not a competent witness unless he is declared to be so by the Act in pursuance of which the proceedings are brought.

III. PENALTIES.

Person liable
to penalties.

s. 87.

s. 140.

s. 141.

s. 142.

In case of offences against the Act the person generally liable is the occupier of the factory or workshop where the offence is committed. But in tenement factories the owner is, for the purpose of certain provisions of the Act, substituted for the occupier, and in case of breach of these provisions he is liable to the penalty. And in all cases where the offence for which the occupier is liable has in fact been committed by some other person, that other person is liable to the same penalty as if he were the occupier. Where the occupier is charged with an offence, he may have any other person whom he charges as the actual offender brought before the court, and if he establishes the other person's guilt and his own absolute freedom from fault, the other person is liable to the penalty and the occupier is exempt. The owner or hirer of a machine is liable in certain cases instead of the occupier of the factory.

Cumulative
fines.

s. 143.

In case of repetition of an offence, a person is not liable to a larger amount of fines than the maximum fixed by the Act, except in two cases—

- (1) where the repetition occurs after an information has been laid for the offence; and
- (2) where the offence consists of employment of two or more persons contrary to the provisions of the Act.

Penal com-
pensation.
s. 136.

Where any person is killed, or suffers bodily injury, or injury to health, in consequence of the occupier having neglected to observe any provision of the Act, or any Regulation made in pursuance of the Act, the occupier is liable to a fine not exceeding 100*l.*, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise, as the Secretary of State determines. But in the case of injury to health, unless it

can be proved that the injury was caused directly by the neglect, the occupier is not liable.

A large number of offences against the Act are grouped together under the general description of "not keeping a factory or workshop in conformity with the Act." A second large group is described by the title of "employment contrary to the provisions of the Act." In each group the penalties applying to the various offences comprised in it are the same. The various offences against the Act, and their penalties, are arranged below in three divisions, the first consisting of the former group, the second of the latter group, and the third of miscellaneous offences.

A. —Not keeping Premises in conformity with the Act.

The penalty for each of these offences is a fine not exceeding **£10**. The court may also order the factory or workshop to be brought into conformity with the Act within a certain time, and if the order is disobeyed there may be a further penalty of a fine not exceeding **£1** per day during non-compliance. In case of a second or subsequent conviction within two years from the last conviction for the same offence, there is a minimum penalty of **£1** for each offence.

Amount of
penalties,
s. 135.

Offences against Sanitary Provisions.

- | | |
|---|--------|
| 1. Breach of sanitary provisions in a factory. | s. 1. |
| 2. Neglect to limewash a factory. | s. 1. |
| 3. Neglect to limewash a bakehouse which is a factory. | s. 99. |
| 4. Neglect to provide sufficient means of ventilation in a factory. | s. 7. |
| 5. Neglect to provide mechanical means of ventilation. | s. 74. |
| 6. Neglect to drain floor in a factory. | s. 8. |
| 7. Neglect to provide sanitary conveniences. | s. 9. |
| 8. Neglect to provide lavatories or meal-rooms (where poisonous substance is used). | s. 75. |
| 9. Neglect to maintain a reasonable temperature. | s. 6. |
| 10. Neglect to take precautions in wet-spinning. | s. 76. |
| 11. Neglect to observe conditions of special exception, if they relate to sanitary matters. | s. 60. |

s. 101. 12. Use of underground bakehouse (if not used before 1902).

s. 103. 13. Breach of special regulations in laundry.

Offences against Provisions for Safety.

s. 10. 1. Neglect to fence or maintain fencing.

s. 11. 2. Breach of regulations relating to steam boilers.

s. 12. 3. Breach of regulation as to position of self-acting machine.

s. 16. 4. Fastening doors improperly.

s. 16. 5. Constructing doors improperly in factory or workshop of which construction was begun since January 1, 1896.

s. 14. 6. Neglect to provide for escape from fire in factory built since January 1, 1892, or workshop built since January 1, 1896.

s. 88. 7. Breach of rules for a cutlery tenement factory.

B.—Employment contrary to the Act.

Amount of
penalties.
s. 137.

The penalty for each of these offences is, in an ordinary factory or workshop, a fine not exceeding **£3** for employment by day, or **£5** for employment by night. The penalty in a domestic factory or workshop is a fine not exceeding **£1** for employment by day, or **£2** for employment by night. The penalty may be imposed in respect of each child, young person, or woman wrongfully employed. In case of a second or subsequent conviction within two years from the last conviction for the same offence, there is a minimum penalty of **£1** for each offence.

Employment generally prohibited.

s. 62. 1. Employment of child under 12.

s. 61. 2. Employment of woman or girl within a month of childbirth.

s. 77. 3. Employment of child or young person in prohibited process.

s. 34. 4. Employment on Sunday (where not specially allowed).

s. 23. 5. Employment in factory or workshop outside authorised period.

s. 103. 6. Employment in laundry outside authorised period.

s. 35. 7. Employment on a holiday.

Employment during Meal Times.

- | | |
|---|--------------------|
| 1. Not allowing proper time for meals. | ss. 24-28,
111. |
| 2. Continuous employment without a meal for more than
4½ or 5 hours. | ss. 24-28,
111. |
| 3. Employing, or allowing to be, on premises during
meal times while work is going on. | s. 33 |
| 4. Allowing to take meals or remain during meal times
in prohibited places. | s. 78. |

Employment connected with Machinery.

- | | |
|--|--------|
| 1. Illegal employment in cleaning machinery or under
machinery. | s. 13. |
| 2. Illegal employment about machinery. | s. 12. |

Other Offences.

- | | |
|--|--------|
| 1. Employment inside and outside factory or workshop
(when specially prohibited). | s. 31. |
| 2. Neglect to observe conditions of special exception, if
they do not relate to sanitary matters. | s. 60. |
| 3. Employment without certificate of school attendance. | s. 69. |
| 4. Employment without certificate of fitness. | s. 63. |

C.—*Miscellaneous Offences.*

The maximum penalty for each of these offences is given below opposite to the offence. There is, with a few exceptions specially noted, no minimum penalty for these offences on a second or subsequent conviction.

Amount of
penalties.*Death or Injury.*

- | | | |
|----------------------------------|--------------------|---------|
| | For first offence, | s. 136. |
| Neglect of provision or regula- | maximum, £100; | |
| tion by which death or injury is | for second offence | |
| caused - - - - - | within two years, | |
| | minimum, £1. | |

Non-compliance with Orders.

- | | | |
|--|---------------|--------|
| 1. Order of court prohibiting use
of dangerous premises - - - - - | } £2 per day. | s. 18. |
| 2. Order of court prohibiting use
of dangerous machine - - - - - | | s. 17. |

- s. 110. 3. Order of district council for-
bidding work where there is infec- } £10.
tious disease - - - - - }
- s. 14. 4. Order of district council to pro- }
vide means of escape from fire - - } 20s. per day.
- s. 2. 5. Order of district council to }
limewash workshop - - - - - } 10s. per day.(a)
- s. 98. 6. Order of court to make bake- }
house sanitary - - - - - } 20s. per day during
default.

Omissions relating to Notices, &c.

- s. 128. 1. Failure to affix abstract or }
notice - - - - - } £2.
- s. 129. 2. Failure to keep general register } £5.
- s. 127. 3. Failure to give notice of occupa- }
tion - - - - - } £5.
- ss. 19, 73. 4. Failure to give notice of acci- }
dent, poisoning, or anthrax - - - } £5.
- s. 107. 5. Failure to keep, produce, or } £2 for first offence,
send to district council, list of out- } £5 for subsequent
workers - - - - - } offence.
- 55 & 56 Vict.
c. 62. s. 4. 6. Failure to exhibit notice required }
by Shop Hours Act - - - - - } £2.
- s. 73. 7. Failure by medical practitioner }
to give notice of poisoning by lead, } £2.
phosphorus, or arsenic, or of anthrax
occurring in a factory or workshop. }

Employment outside Factory or Workshop.

- s. 108. 1. Employment of outworkers in }
unwholesome premises - - - - - } £10.
- s. 109. 2. Giving out wearing apparel to be }
made, &c., where there is scarlet fever } £10.
or small-pox - - - - - }
- 55 & 56 Vict.
c. 62. s. 5. 3. Employment in shop contrary to } £1 for each person
Shop Hours Act - - - - - } employed.

(a) In London, 5*l.* and 10*s.* per day (54 & 55 Vict. c. 76, s. 25).

Offences relating to Regulations for Dangerous Trades.

- | | | |
|--|--|--------|
| 1. Breach of Regulations (by occu-
pier, owner, or manager) - - - - } | £10, and £2 per day
during default. | s. 85. |
| 2. Breach of Regulations (by other
person) - - - - - } | £2.(a) | s. 85. |
| 3. Failure to publish Regulations - | £10. | s. 86. |
| 4. Pulling down or defacing Regu-
lations - - - - - } | £5. | s. 86. |

Offences relating to Formal Investigations.

- | | | |
|--|--------------|--------|
| 1. Disobeying summons or impeding
the investigation - - - - } | £10. | s. 22. |
| 2. Failure to produce document - | £10 per day. | s. 22. |

Offences by Parents.

- | | | |
|--|-----|---------|
| 1. Allowing employment of child
or young person contrary to the Act - } | £1. | s. 138. |
| 2. Neglect to cause child to attend
school - - - - - } | £1. | s. 138. |

Other Offences.

- | | | |
|---|--|--------------------------------|
| 1. Neglect to fix holidays - - - | £5. | s. 35. |
| 2. Failure to provide sanitary con-
veniences in factories or workshops
after notice from the local authority - } | £20, and £2 per
day during de-
fault. | 38 & 39 Viet.
c. 55. s. 38. |
| 3. Using or letting sleeping place
in bakehouse (except under certain
conditions) - - - - - } | £1 for first offence,
£5 for subse-
quent offence. | s. 100. |
| 4. Using or letting bakehouse
where sanitary regulations are not
observed - - - - - } | £2, and 5s. per day
after conviction. | s. 97. |
| 5. Occupation of bakehouse unfit
on sanitary grounds - - - - } | £2 for first offence;
£5 for subse-
quent offence. | s. 98. |

(a) The person breaking the rule is liable to this fine, and the occupier, unless free from all fault, is also liable to a fine not exceeding 10*l*.

s. 95.		{ For first offence,
	6. Breach of Regulations relating to	minimum £5 ;
	cotton cloth factories after notice -	maximum, £10 ;
		{ for second offence,
		minimum £10 ;
		maximum £20.
s. 119.	7. Obstruction of inspector -	£5(a).
s. 139.	8. Fraud in connexion with cer-	{ £20, or three
	tificate, entry, or declaration	months' imprison-
		ment.
39 & 40 Vict. c. 79. s. 6.	9. Employment in breach of the	{ £2.
	Elementary Education Act, 1876 -	
		{ For first offence,
		maximum £10 ;
		for second offence,
		minimum £10,
1 & 2 Wm. 4. c. 37. s. 9.	10. Contract or payment contrary	{ maximum £20 ;
	to the Truck Acts - - - - -	for third offence,
		fine at discretion
		not exceeding
		£100.(b)
59 & 60 Vict. c. 44. s. 6.	11. Breach of s. 6 of the Truck	{ £2.
	Act, 1896 - - - - -	
s. 116.	12. Fraudulent use of false indi-	{ For first offence,
	cator (by occupier) - - - - -	maximum £10 ;
	13. Fraudulent alteration of indi-	{ for second offence
	cator (by workman) - - - - -	within two years,
		minimum £1.
s. 116.	14. Disclosure of " particulars " by	{
	workman for purpose of divulging	Maximum £10.
	trade secret - - - - -	
s. 116.	15. Bribing of workman by anyone	{ Maximum £10.
	for above purpose - - - - -	

(a) If this offence is committed in an ordinary factory or workshop, the occupier is liable to a maximum fine not exceeding 5*l.*, or if the offence is committed at night, not exceeding 20*l.* For a domestic factory or workshop, the corresponding figures are 1*l.* and 5*l.*

(b) This third offence is a misdemeanor.

PART II.

THE ACTS, WITH NOTES.

FACTORY AND WORKSHOP ACT, 1901.

[1 EDV. 7. CH. 22.]

ARRANGEMENT OF SECTIONS.

PART I.

HEALTH AND SAFETY.

(1.) *Health.*

Section.

1. Sanitary condition of factory.
2. Sanitary condition of workshops and workplaces.
3. Overcrowding of factory or workshop.
4. Power of Secretary of State to act in default of local authority.
5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.
6. Temperature in factories and workshops.
7. Ventilation.
8. Drainage of floors.
9. Sanitary conveniences in factories and workshops.

(2.) *Safety.*

10. Fencing of machinery.
11. Steam boilers.
12. Regulations as to self-acting machines.
13. Restrictions on cleaning when machinery is in motion.
14. Provision of means of escape in case of fire.
15. Byelaws for means of escape from fire.
16. Doors of factory or workshop to open from inside.
17. Power to make order as to dangerous machine.
18. Power to make order as to unhealthy or dangerous factory or workshop.

(3.) *Accidents.*

19. Notice of accidents causing death or bodily injury.
20. Investigation of and report on accidents by certifying surgeon.
21. Inquest in case of death by accident in factory or workshop.
22. Power to direct formal investigation of accidents.

PART II.

EMPLOYMENT.

(1.) *Hours and Holidays.*

23. Restrictions on period of employment of women, young persons, and children.
24. Hours of employment in textile factories—**young persons and women.**

Section.

- 25. Hours of employment in textile factories—children.
- 26. Hours of employment in non-textile factories and workshops—young persons and women.
- 27. Hours of employment in non-textile factories and workshops—children.
- 28. Hours of employment in print works and bleaching and dyeing works.
- 29. Special provisions as to employment in women's workshops.
- 30. Special provision as to eight hours' employment of women and young persons.
- 31. Restriction on employment inside and out-side factory or workshop on same day.
- 32. Notice fixing hours of employment, &c.
- 33. Meal times to be simultaneous, and employment during meal times forbidden.
- 34. Prohibition of Sunday employment.
- 35. Annual holidays and half-holidays.

(2.) Special Exceptions as to Hours and Holidays.

- 36. Employment between 9 a.m. and 9 p.m. in certain cases.
- 37. Employment of male young persons above sixteen in lace factories.
- 38. Employment of male young persons above sixteen in bakehouses.
- 39. Five hours' spell in certain textile factories.
- 40. Different meal times for different sets, and employment during meal times.
- 41. Special exceptions as to fish and fruit preserving.
- 42. Special exceptions as to creameries.
- 43. Substitution of another day for Saturday.
- 44. Saturday employment in Turkey red dyeing.
- 45. Holidays on different days for different sets.
- 46. Employment inside and outside on the same day.
- 47. Hours and holidays in factory or workshop of Jewish occupier.
- 48. Sunday employment of Jews in factory or workshop of Jewish occupier.

Overtime.

- 49. Overtime employment of women for press of work.
- 50. Overtime employment of women on perishable articles.
- 51. Overtime employment on incomplete process.
- 52. Overtime employment in factories driven by water.
- 53. Overtime employment in Turkey red dyeing and open-air bleaching.

Nightwork.

- 54. Night employment of male young persons of fourteen.
- 55. Night employment of male young persons of fourteen in glass works.
- 56. Night employment of male young persons of sixteen in printing news papers.

Intermittent Employment.

- 57. Exemption for certain flax scutch mills.

Section.

Supplemental.

- 58. Power to impose sanitary requirements as condition of special exceptions.
- 59. Power to rescind orders as to special exceptions.
- 60. Notices, registers, &c., relating to special exceptions.

(3.) Fitness for Employment.

- 61. Prohibition of employment of women after childbirth.
- 62. Prohibition of employment of children under twelve.
- 63. Certificates of fitness for employment of young persons under sixteen and children in factories.
- 64. Regulations as to grant of certificate of fitness.
- 65. Power to obtain certificates of fitness for employment in workshops.
- 66. Power to require certificates of fitness for employment in certain workshops.
- 67. Power of inspector to require surgical certificate of capacity for work.

PART III.

EDUCATION OF CHILDREN.

- 68. Attendance at school of children employed in factory or workshop.
- 69. Obtaining of school attendance certificate by occupier.
- 70. Payment by occupier of sum for schooling.
- 71. Employment as young person of child of thirteen on obtaining educational certificate.
- 72. Definitions of "certified efficient school," and "recognised efficient school."

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(1.) Special Provisions.

- 73. Notification of certain diseases contracted in factory or workshop.
- 74. Provision as to ventilation by fan in certain factories and workshops.
- 75. Lavatories and meals in certain dangerous trades.
- 76. Restrictions as to employment in wet-spinning.
- 77. Prohibition of employment of young persons and children in certain factories and workshops.
- 78. Prohibition of taking meals in certain parts of factories and workshops.

(2.) Regulations for Dangerous Trades.

- 79. Power to make regulations for safety of persons employed in dangerous trades.
- 80. Procedure for making regulations.
- 81. Inquiries.

Section.

- 82. Application of regulations.
- 83. Provisions which may be made by regulations.
- 84. Regulations to be laid before Parliament.
- 85. Breach of regulations.
- 86. Publication of regulations.

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(1.) *Tenement Factories.*

- 87. Duties of owner of tenement factory.
- 88. Regulations as to grinding of cutlery in tenement factory.
- 89. Certificate of fitness in tenement factory.

(2.) *Cotton Cloth and other Humid Factories.*

- 90. Temperature and humidity.
- 91. Power to alter table of humidity.
- 92. Employment of thermometers.
- 93. Notices and inspections where humidity is artificially produced.
- 94. Regulations for the protection of health.
- 95. Penalties for non-compliance.
- 96. Application of foregoing provisions to other humid factories.

(3.) *Bakehouses.*

- 97. Sanitary regulations for bakehouses.
- 98. Penalty for bakehouse being unfit on sanitary grounds.
- 99. Linewashing, painting, and washing of bakehouses.
- 100. Provision as to sleeping places near bakehouses.
- 101. Prohibition of underground bakehouses.
- 102. Enforcement of law as to retail bakehouses by sanitary authorities.

(4.) *Laundries.*

- 103. Application of Act to Laundries.

(5.) *Docks.*

- 104. Application of certain provisions to docks.

(6.) *Buildings.*

- 105. Application of certain provisions to buildings.

(7.) *Railways.*

- 106. Application of certain provisions to railway sidings.

PART VI.

HOME WORK.

- 107. List of outworkers to be kept in certain trades.
- 108. Employment of person in unwholesome premises.
- 109. Making of wearing apparel where there is scarlet fever or small-pox.

Section.

- 110. Prohibition of home work in places where there is infectious disease.
- 111. Application of Act to domestic factories and workshops.
- 112. Dangerous processes in domestic factories and workshops.
- 113. Abstracts for domestic factories and workshops.
- 114. Non-application of Act to certain domestic workshops.
- 115. Definitions of "domestic factory" and "domestic workshop."

PART VII.**PARTICULARS OF WORK AND WAGES.**

- 116. Particulars of work or wages to be given to piece workers.
- 117. Inspection of weights and measures used in ascertaining wages.

PART VIII.**ADMINISTRATION.****(1.) Inspection.**

- 118. Appointment and duties of inspectors and clerks and servants.
- 119. Powers of inspectors.
- 120. Right of inspector to conduct proceedings before magistrates.
- 121. Certificate of appointment of inspector.

(2.) Certifying Surgeons.

- 122. Appointment and duties of certifying surgeons.
- 123. When poor law medical officer is to act as certifying surgeon.
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SCHEDULES.

FACTORY AND WORKSHOP ACT, 1901.

AN Act to consolidate ²with Amendments the Factory and Workshop Acts. [17th August 1901.]

PART I.

HEALTH AND SAFETY.

(i.) *Health.*

1.—(1.) The following provisions shall apply to every factory^(a) as defined by this Act, except a domestic factory^(b) : — Sanitary condition of factory.

- (a.) It must be kept in a cleanly state;
- (b.) It must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance;
- (c.) It must not be so overcrowded^(c) while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;
- (d.) It must be ventilated^(d) in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

(2.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not 38 & 39 Vict. c. 55.

(a) This subsection does not apply to workshops. Provisions applying to workshops, identical in effect with the provisions of this subsection, are contained in the Public Health Acts (38 & 39 Vict. c. 55. s. 91 subs. (6), and, for London, 54 & 55 Vict. c. 76. s. 2 subs. (1) (9)), supplemented by s. 2 subs. (2) of this Act. The only difference between the sanitary regulations for factories and those for workshops is that in factories periodical limewashing is compulsory (s. 1 subs. (3)), while in workshops it is not compulsory unless specially required by the local authority (s. 2 subs. (3)). But, while the regulations are substantially the same, the authorities by whom the regulations are enforced are different, *viz.*, in factories the factory inspector, in workshops the local authority. There are, however, two cases in which it may be the duty of the factory inspector to supervise the sanitary condition of workshops; first, where the Secretary of State, in case of default by the local authority, makes an order directing him to act independently of the local authority (s. 4); secondly, where the inspector himself notices default in a particular case, and the local authority fail to act on his representation (s. 5). It is to be observed also that the provisions of this Act with regard to temperature (s. 6), sanitary conveniences (s. 9), and lavatories in certain dangerous trades (s. 75), are enforced by the factory inspector in workshops as well as in factories.

(b) For the meaning of "domestic factory" see s. 115.

(c) The amount of space required for each person employed is regulated by s. 3.

(d) This paragraph applies only to special ventilation required in order to guard against impurities. In some cases ventilation by a fan or other mechanical means is required for this purpose (s. 74). General ventilation is dealt with by s. 7.

kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies.(a)

(3.) For the purpose(b) of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4.) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto.(c)

(5.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Sanitary condition of workshops and work-places.
58 & 59 Vict.
c. 55.

2.—(1.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, and workplace, except any factory to which the last preceding section applies.

(2.) Every workshop and every workplace(d) within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(3.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any district council that the

(a) This subsection, together with s. 2 subs. (1) and s. 2 subs. (5), prevents any overlapping of the sanitary provisions of this section and those of the Public Health Acts. The provisions of this section apply to factories other than domestic factories. The provisions of the Public Health Acts apply to domestic factories, to workshops, and to workplaces which are not factories.

(b) This subsection does not apply to workshops. For the corresponding provisions which apply to workshops, see s. 2 subs. (3).

(c) For special exceptions granted under this subsection, see Appendix of Orders hereafter.

(d) "Workplace" would presumably include a domestic factory (see s. 115), to which s. 1 subs. (1) (b) of this Act does not apply, and s. 91 of the Public Health Act, 1875, does apply by virtue of s. 2 subs. (1) of this Act.

limewashing, cleansing, or purifying, of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the council shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same, or part thereof, as the case may require.

(4.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(5.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies.

54 & 55 Vict.
c. 78.

3.—(1.) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

Overcrowding of
factory or work-
shop.

(2.) Provided that the Secretary of State may, (a) by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order. (b)

(4.) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

4.—(1.) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by any district council, he may, by order, authorise an

Power of Secretary of State to act in default of local authority

(a) By an Order gazetted January 1, 1904, the figure 500 has been substituted for underground bakehouses, and the figure 400 for bakehouses where work is carried on at night by artificial light other than electric light, in respect of the period between 9 p.m. and 6 a.m. (St. R. & O., 1903, p. 747).

(b) This subsection is new (1901). An Order gazetted January 21, 1902, has been made substituting 400 for 250 cubic feet of space in such workshops (St. R. & O., 1902, p. 98).

inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.(a)

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.(b)

Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.

5.—(1.) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2.) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the district council.

(3.) Where notice of an act, neglect, or default, is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the district council might have taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.(c)

(a) No order has at present been made under this section. Under this section a factory inspector can do nothing without an order from the Home Secretary. Under s. 5 he can act in particular cases on his own responsibility.

(b) It is to be observed that the words "and have not been incurred in any unsuccessful proceedings," which were at the end of the corresponding section of the Act of 1891, are here omitted. Those words are retained at the end of subs. (3) of s. 5.

(c) See note on the last words of s. 4 above. Where an inspector, seeking to enforce s. 22 of the Public Health Acts Amendment Act, 1890, by virtue of his powers under this section, gives notice requiring alterations and additions, and in default takes proceedings for a penalty, the justices cannot inquire whether the inspector's requirements were reasonable or necessary. Probably an appeal lies to quarter sessions from the inspector's requirements (*Tracey v. Pretty*, 1901 1 Q.B. 444 : 70 L.J. Q.B. 234 : 83 L.T. 767 : 49 W.R. 282 : 65 J.P. 196)

6.—(1.) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.^(a)

Temperature in
factories and
workshops.

(2.) The Secretary of State^(b) may, by Special Order, direct with respect to any class of factories or workshops that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.

(3.) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

7.—(1.) In every room^(c) in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.

Ventilation.

(2.) The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation^(d) for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories.

(3.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(4.) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.

8.—(1.) In every factory or workshop^(e) or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet.

Drainage of
floors.

(a) The last sentence of this subsection is new (1901).

(b) This subsection is new (1901).

(c) The whole of this section is new (1901). There were formerly limited and definite provisions for the ventilation of cotton cloth factories and other humid factories (Cotton Cloth Factories Act, 1889, s. 9 : 1895 s. 31). These provisions are now repealed.

(d) An Order, gazetted February 11, 1902, has been made requiring 600 cubic feet of fresh air per hour for each person employed in humid textile factories (other than cotton cloth factories) not under Special Regulations as to humidity (St. R. & O., 1902, p. 98).

(e) This section is new (1901). There was in the Act of 1895, and there still is (s. 103), a similar provision applying to laundries.

(2.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

Sanitary conveniences in factories and workshops.

9.—(1.) Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

(2.) The Secretary of State^(a) shall, by Special Order, determine what is sufficient and suitable accommodation within the meaning of this section.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

53 & 54 Vict. c. 59.

(4.) This section does not apply to the administrative county of London, or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890, is in force.^(b)

(ii.) *Safety.*

Fencing of machinery.

10.—(1.) With respect to the fencing of machinery in a factory the following provisions shall have effect:—

- (a.) Every hoist or teagle, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of any water wheel or engine worked by any such power, must be securely fenced;^(c) and
- (b.) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race; and
- (c.) All dangerous parts of the machinery, and every part of the mill gearing,^(d) must either be securely fenced, or be in such

(a) This subsection is new. For the Order made under this section, see Appendix of Orders hereafter.

(b) The object of this subsection is to prevent overlapping. The Public Health (London) Act, 1891 (54 & 55 Vict. c. 76. s. 38), and the Public Health Acts Amendment Act, 1890 (53 & 54 Vict. c. 59. s. 22), contain provisions to the same effect as those of subs. (1) of this section. The latter Act applies only to England and Wales, and is in force only where it is adopted by the district council. It can be adopted in urban districts only. The requirements on this point of both the above-mentioned Acts are enforced by the local authority. Any Special Order under subs. (2) above would not have the force of law in any place where either of the two above-mentioned Acts apply.

(c) Under paragraphs (a) and (b) fencing is compulsory. Under paragraph (c) there is an alternative, that the position or construction of the machinery is such as to prevent danger. Under the first two paragraphs it is clearly no answer to any proceedings, that the position or construction of the machinery made it practically safe (see *Doel v. Sheppard*, 5 E. & B. 856: 25 L.J. Q.B. 124).

(d) This paragraph applies to all mill gearing (defined s. 156), and no question can be raised whether or not it is dangerous. In case of other machinery (not covered by paragraph (a) or paragraph (b)), it is a question

position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced; and

- (d.) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, (a) or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

11.—(1.) Every steam boiler (b) used for generating steam in a factory or workshop, or in any place to which any of the provisions of this Act apply, must, whether separate or one of a range—

- (a) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

- (b) be examined thoroughly by a competent person at least once in every fourteen months.

(2.) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

(3.) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

(4.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(5.) This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.

(6.) For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop,

of fact for the magistrate whether it is dangerous (*Redgrave v. Lloyd*, 1895 1 Q.B. 876; 61 L.J. M.C. 155; 72 L.T. 565; 43 W.R. 527; 59 J.P. 253). In *Hindle v. Birtwistle* (1897 1 Q.B. 192; 66 L.J. Q.B. 173; 76 L.T. 159; 45 W.R. 207; 61 J.P. 70) the Recorder of Blackburn decided that there was no obligation to fence shuttles, on the ground that the shuttles were not in themselves dangerous in the ordinary course of careful working. On appeal, it was held that this was wrong, and that it was proper to take into consideration the chance that workmen might be negligent, that foreign material might get in, or that the yarn might be of bad quality, in determining the question whether the shuttles were, in fact, dangerous. The interpretation and application of the word "dangerous" was held to be a question of fact and of degree in each case. Three recent Scotch cases throw some light on the question when the fencing of machinery is obligatory, viz., *Robb v. Bullock* (1892), 19 R. 971; *Shields v. Murdoch* (1893), 20 R. 727; *Pringle v. Grosvenor* (1894), 21 R. 532.

(a) For a case under an earlier Act, in which fencing was removed for repair, and the occupier was held not responsible for an accident which then happened, see *Coe v. Platt*, 6 Ex. 752.

(b) This section is new (1901).

Regulations as
to self-acting
machines.

and the owner shall be substituted for the occupier, and he shall register the report referred to in this section.

12.—(1.) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise. Provided(a) that nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

(2.) A person(b) employed in a factory must not be allowed(c) to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A woman, young person, or child, must not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

(4.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act, and any person allowed to be in the space aforesaid or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Restrictions on
cleaning when
machinery is
in motion.

13.—(1.) A child must not be allowed to clean in any factory—

(a) any part of any machinery; or

(b) any place(d) under any machinery other than overhead mill gearing,

while the machinery is in motion(e) by the aid of steam, water, or other mechanical power.

(2.) A young person must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

(a) This proviso is new (1901).

(b) It is to be observed that this subsection applies to adult males.

(c) The word "allowed" includes allowance by a responsible person in the service of the occupier. There must be actual allowance with knowledge of the facts (*Crabtree v. Fern Spinning Co.*, 85 L.T. 549: 50 W.R. 167: 66 J.P. 181).

(d) Paragraph (b) is new (1901).

(e) While machinery is in motion, a child may not clean the fixed part of the machinery, and it is immaterial that the work is not dangerous (*Pearson v. Belgian Mills*, 1896 1 Q.B. 244: 65 L.J.M.C. 48: 74 L.T. 101: 44 W.R. 334: 60 J.P. 151).

(3.) A woman or young person must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

(4.) A woman, young person, or child, allowed to clean in contravention of this section, shall be deemed to be employed contrary to the provisions of this Act.

14.—(1.) Every factory of which the construction was not commenced^(a) on or before the first day of January one thousand eight hundred and ninety-two,^(b) and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the district council^(c) of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act; and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided.^(d)

Provision of means of escape in case of fire.

(2.) With respect to all factories and workshops to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the district council^(e) of every district from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner^(f) of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements,^(g) and unless the

(a) In the Amendment Bill of 1901 it was proposed that the provisions of this subsection should apply to factories and workshops in or to which any substantial alteration or addition was made. But the proposal was not carried into law.

(b) This date and the date which follows are the dates of the commencement of operation of the Act of 1891 and the Act of 1895 respectively.

(c) In London the County Council (s. 153 subs. (1)).

(d) The last sentence of this subsection is new (1901).

(e) In London the County Council (s. 153 subs. (1)).

(f) "Owner" has the same meaning as in the Public Health Act, 1875 (see s. 156 below), i.e., the person who receives the rackrent, or would receive it if there were a rackrent (38 & 39 Vict. c. 75. s. 4).

(g) The necessary steps may amount to a breach of a covenant for quiet enjoyment or of some other term of the agreement between owner and occupier. In that case does the Act deprive the occupier of his claim for damages?

requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.(a)

(3.) In case of a difference of opinion between the owner of the factory or workshop and the council under the last foregoing subsection, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration,(b) and thereupon the provisions of the First Schedule to this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended, or confirmed in accordance with the award.

(4) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.(c)

Apparently it does, since it expressly authorises the owner's act. But the point is not quite clear. Subsection (4) of this section does not help the occupier in any claim against the owner. It is evident that there may be some hardship on the occupier, since his occupation may be interrupted and the premises may be rendered less convenient to him, while he is bound to continue paying a rent based on the original conditions. It is believed that the point has never been decided. For rather different provisions under similar circumstances, see s. 82 subs. (3) and s. 101 subs. (8).

(a) Considerable difficulty has arisen in applying this subsection to cases where there are two or more factories in a single building, the factories having a common owner but different occupiers, and the whole building not being a tenement factory. In such a case the owner is only empowered to enter upon a particular factory in order to do works which are necessary for the benefit of that factory (*Toller v. Spiers & Pond*, 1903 1 Ch. 362; 72 L.J. Ch. 191; 87 L.T. 578; 51 W.R. 381; 67 J.P. 234). See the judgment of Buckley, J., in the case cited for a discussion of the various possibilities. If the owner is required, for the benefit of a factory in the building, to do works which involve entry on other premises in the building separately occupied, whether these premises are a factory or not, the requirement is invalid and cannot be enforced, whether it is contained in a notice under subs. (2) (*L.C.C. v. Brass*, 1904 2 K.B. 336; 73 L.J.K.B. 841; 68 J.P. 365) or in an award under subs. (3) (*L.C.C. v. Lewis*, 69 L.J. Q.B. 277; 82 L.T. 195; 64 J.P. 39; *Toller v. Spiers & Pond*, *supra*). See also *Consolidated Properties Co. v. Chilvers* (18 T.L.R. 59) and *L.C.C. v. Tubbs* (1 L.G.R. 746; 68 J.P. 29).

(b) The occupier need not be a party to the arbitration. The owner's powers under subs. (2) arise as soon as the award is made (*Toller v. Spiers & Pond*, *supra*).

(c) It is not clear whether the power of the court to make an order with regard to these expenses is subject to the provisions of the lease or agreement between landlord and tenant. It is common for a tenant to covenant to pay all "outgoings," an expression which is held to cover such expenses as those in question. Does such a covenant prevent the court from apportioning the expenses between landlord and tenant? And does this subsection prevent the landlord from suing on the covenant at common law? These questions have been considered in cases arising under this subsection, and also in cases arising under the similar but not identical subsection (s. 101 subs. (8)) which relates to underground bakehouses (*Monk v. Arnold* 1902 1 K.B. 761; 71 L.J.

(5.) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly.

(6.) The means of escape^(a) in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act.

(7.) For the purposes of this section^(b) the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier.

(8.) All expenses incurred by a district council in the execution of this section shall be defrayed—

(a.) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875; and 38 & 39 Vict.
c. 55.

(b.) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875; and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

15. Every district council^(c) shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall apply to any byelaws so made.^(d) Byelaws for
means of escape
from fire.

16.—(1.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside. Doors of factory
or workshop to
open from inside.

(2.) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight

K.B. 441: 86 L.T. 580: 50 W.R. 667; *Goldstein v. Hollingsworth*, 1904 2 K.B. 578: 73 L.J. K.B. 826: 91 L.T. 85: 68 J.P. 383; *Morris v. Beal*, 1904 2 K.B. 585: 73 L.J. K.B. 830; *Shephard v. Barber*, 67 J.P. 238; *Horner v. Franklin*, 21 T.L.R. 225. It appears now to be settled by the decision of the Court of Appeal in the last-mentioned case that, at all events under S. 14, the landlord's only remedy is an application to the County Court under sub Section (4), and that on the application the provisions of the lease or agreement must be taken into consideration. Whether under the above subsection there is to be implied a power, which is expressly given by the bakehouse subsection, to determine the lease at the request of the occupier, is doubtful (*see* 1904 2 K.B. at p. 582). It is suggested that such power cannot properly be implied.

(a) This subsection is new (1901).

(b) This subsection is new (1901).

(c) This section is new (1901). In London the power belongs to the County Council (s. 153 subs. (2)).

(d) It is to be observed that the provisions of s. 10 subs. (1) of the Act of 1895, by which a Court of Summary Jurisdiction had power to require occupiers to provide moveable fire escapes, are not re-enacted. This matter is now left to the discretion of the district council.

hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Power to make order as to dangerous machine.

17.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the ways, works, machinery, or plant used in a factory or workshop (including a steam boiler used for generating steam), (a) is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

(2.) Where a complaint has been made under this section, the court or a justice may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the part of the ways, works, machinery, or plant, shall be liable to a fine not exceeding forty shillings a day during the contravention.

Power to make order as to unhealthy or dangerous factory or workshop.

18.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings under the foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops, or with respect to matters punishable or remediable under the law relating to public health but not under this Act. (b)

(3.) If there is any contravention of an order under this section, the occupier of the place shall be liable to a fine not exceeding forty shillings a day during the contravention.

(a) The inclusion of steam boilers is new (1901).

(b) This subsection will prevent proceedings being taken in the first instance under this section where the structural condition of the premises is such that there is injury to health (*see* 38 & 39 Vict. c. 55. s. 91 (1); 54 & 55 Vict. c. 7. s. 2 subs. (1) (a)). Examples of cases in which the section will apply are cases where walls or ceilings, or other parts of the structure, are in a dangerous condition, or (possibly) where the provision for ventilation is defective. Where the danger arises from defective machinery, s. 17 (above) will apply, not this section.

(iii.) *Accidents.*

19.—(1.) Where there occurs in a factory or workshop any accident (a) which either—

Notice of accidents causing death or bodily injury.

(a) causes loss of life to a person employed in the factory or workshop; or

(b) causes to a person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work, (b)

written notice shall forthwith be sent to the inspector for the district.

(2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure, filled with hot liquid or molten metal or other substance, or by explosion or by escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, (c) to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district.

§ 8 & 39 Vict. c. 17.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

20.—(1.) Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or workshop, he shall, with the least possible delay, proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

Investigation of and report on accidents by certifying surgeon.

(2.) The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

21.—(1.) Where a death has occurred by accident in a factory or workshop, the coroner shall forthwith advise the district inspector of the time and place of holding the inquest, and, unless an inspector

Inquest in case of death by accident in factory or workshop.

(a) Whether caused by machinery or not (*Lakeman v. Stephenson*, L.R. 3 Q.B. 192 : 37 L.J. M.C. 57 : 18 L.T. 539 : 16 W.R. 509 : 9 B. & S. 54).

(b) It was decided in *Lakeman v. Stephenson* (*supra*), under an earlier Act, that a return in order to do temporary work of a light character is not enough. The words in the present Act are in accordance with that decision.

(c) That is, in case of an explosion of "explosives" as defined by s. 8 of that Act.

or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner shall adjourn the inquest, and shall, at least four days before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(2.) Any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop, shall be at liberty to attend at the inquest, and, either in person or by his counsel, solicitor, or agent, to examine any witness, subject nevertheless to the order of the coroner.

Power to direct
formal investigation
of accidents.

22. Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions (a) shall have effect:—

- (1.) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation;
- (2.) The person or persons so appointed (herein-after called "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned;
- (3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely:—
 - (a.) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose;
 - (b.) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose

(a) These provisions are the same as those of ss. 45 and 46 of the Coal Mines Regulation Act, 1889, which relate to investigations of explosions and accidents in coal mines.

to require answers or returns to such inquiries as it thinks fit to make;

(c.) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(d.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of His Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make:

(6.) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act:

(7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

PART II.

EMPLOYMENT.

(i.) *Hours and Holidays.*

23. A woman, young person, or child^(a) shall not be employed in a factory or workshop except during the period of employment herein-after mentioned.

Restrictions on period of employment of women, young persons, and children.

24. With respect to the employment of women and young persons in a textile factory,^(b) the following regulations shall be observed:

Hours of employment in textile factories—young persons and women.

(1.) The period of employment, except on Saturday, shall either

(a) For the definitions of "woman," "young person," and "child," see s. 156.

(b) For definition of "textile factory," see s. 149. As to print works, and bleaching and dyeing works, see s. 28.

begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening;

- (2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning;
- (3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—
 - (a.) If not less than one hour is allowed for meals, shall end at noon as regards employment in any manufacturing process, and at half-past twelve o'clock in the afternoon as regards employment for any purpose whatever; and
 - (b.) If less than one hour is allowed for meals, shall end at half-past eleven o'clock in the forenoon as regards employment in any manufacturing process, and at noon as regards employment for any purpose whatever;
- (4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past twelve o'clock in the afternoon as regards any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever;
- (5.) There shall be allowed for meals during the said period of employment in the factory—
 - (a) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon;
 - (b) on Saturday not less than half an hour;
- (6.) A woman or young person shall not be employed continuously (b) for more than four hours and a half, (c) without an interval of at least half an hour for a meal.

Hours of employment in textile factories—children.

25. With respect to the employment of children in a textile factory the following regulations shall be observed:—

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only.
- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end either—
 - (a) at one o'clock in the afternoon; or
 - (b) if the dinner time begins before one o'clock, at the beginning of dinner time; or

(a) The end of the period of employment on Saturday, both under regulation (3) and under regulation (4), has been made earlier by one hour by this Act.

(b) Employment is continuous unless interrupted by an interval of at least half an hour (s. 156 subs. (2)).

(c) In certain textile factories a five hours spell is permitted, as in non-textile factories (*see* s. 39).

(c) if the dinner time does not begin before two o'clock, at noon.

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin either--

(a) at one o'clock in the afternoon; or

(b) at any later hour at which the dinner time terminates: or

(c) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon;

and shall end at the same hour as if the child were a young person.

(4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.

(5.) A child shall not be employed in two successive periods of seven days in the morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half.

(6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(7.) A child shall not on either system be employed continuously (a) for more than four hours and a half without an interval of at least half an hour for a meal.

26. With respect to the employment of women and young persons in a non-textile factory, and a workshop, (b) the following regulations shall be observed:—

Hours of employment in non-textile factories and workshops—
young persons
and women.

(1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening.

(2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning and end at two o'clock in the afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon,

(a) Employment is continuous unless interrupted by an interval of at least half an hour (s. 156 subs. (2)).

(b) This section does not apply to the employment of women in a workshop conducted on the system of not employing therein either children or young persons. The employment of women in such workshops is regulated by s. 29. The section also does not apply to employment in a domestic workshop (s. 111).

or begin at eight o'clock in the morning and end at four o'clock in the afternoon.

- (3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(a) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(b) on Saturday not less than half an hour.

- (4.) A woman or a young person in a non-textile factory and a young person in a workshop shall not be employed continuously (a) for more than five hours without an interval of at least half an hour for a meal.

Hours of employ-
ment in non-
textile factories
and workshops—
children.

27. With respect to the employment of children in a non-textile factory and a workshop, (b) the following regulations shall be observed:—

- (1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only.

- (2.) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—

(a) at one o'clock in the afternoon; or

(b) if the dinner time begins before one o'clock, at the beginning of dinner time; or

(c) if the dinner time does not begin before two o'clock, at noon.

- (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—

(a) at one o'clock in the afternoon; or

(b) at any hour later than half-past twelve at which the dinner time terminates; or

(c) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon;

and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.

- (4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed

(a) Employment is continuous unless interrupted by an interval of at least half an hour (s. 156 subs. (2)).

(b) This section does not apply to employment in a domestic workshop (s. 111).

on Saturday in any week in the same set in which he has been employed on any other day of the same week.

(b) When a child is employed on the alternate day system —

- (a) The period of employment for such a child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening;
 - (b) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon, or begin at eight o'clock in the morning, and end at four o'clock in the afternoon;
 - (c) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but
 - (d) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.
- (6.) A child shall not on either system be employed continuously (a) for more than five hours without an interval of at least half an hour for a meal.

28. In print works and bleaching and dyeing works the period of employment for a woman, young person, and child, and the times allowed for meals, shall be the same as if the works were a textile factory, and the regulations of this Act with respect to the employment of women, young persons, and children in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a woman, young person, or child in the works for five hours without an interval of half an hour for a meal.

Hours of employment in print works and bleaching and dyeing works.

29.—(1.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

Special provisions as to employment in women's workshops.

- (a) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and
- (b) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(a) Employment is continuous unless interrupted by an interval of at least half an hour (s. 156 subs. (2)).

(2.) Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Special provision as to eight hours' employment of women and young persons.

30. In a non-textile factory or workshop where a woman or young person has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that woman or young person may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Restriction on employment inside and outside factory or workshop on same day.

31.—(1.) A child(a) must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a woman, young person, or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a woman (b) or young person is employed by the occupier

(a) The whole of this section is subject to the power of the Secretary of State to grant exemptions from its operation (s. 46).

(b) This subsection is altered from the corresponding subsection (s. 16 subs. (4)) of the Act of 1895. The repealed subsection provided that the whole *period of employment* should not exceed the number of hours permitted by the Factory Acts for employment in the factory or workshop. By the present subsection it is the whole *time* during which the woman or young person is employed that is limited. It is therefore now admissible not only to make the whole employment later than that fixed for the factory or workshop, but also, apparently, so far as this subsection is concerned, to allow an interval between the times of employment. It is to be observed that, by s. 3 subs. (3) of the Shop Hours Act, 1892, if a young person is employed, to the shopkeeper's knowledge, first in a factory or workshop, and then in a shop, the total period of employment must not exceed that allowed for the factory or workshop. Subs. (4) of s. 31 above applies to women as well as to young persons, but only in cases where the employer in the shop is the same as in the factory or workshop.

of a factory or workshop on the same day, both in the factory or workshop, and in a shop, then,—

- (a) the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day; and
- (b) if the woman or young person is employed in the shop, except during the period of employment fixed by the occupier, and specified in a notice affixed in the factory or workshop in pursuance of this Act, the occupier shall make the prescribed entry in the general register with regard to her or his employment.

(5.) This Act shall apply as if any woman, young person, or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act.

32.—(1.) The occupier of every factory and workshop may fix within the limits allowed by this Act, and shall, subject to any special exceptions made by or in pursuance of this Act, specify in a notice which must be affixed in the factory or workshop—

Notice fixing hours of employment, &c.

- (a) The period of employment;
- (b) The times allowed for meals; and
- (c) Whether the children are employed on the system of morning and afternoon sets or of alternate days.

(2.) In a factory or workshop where such a notice is required to be affixed, the period of employment, the times allowed for meals, and the system of employment for all the children in the factory or workshop, shall be those for the time being specified in the notice.

(3.) A change in the said period or times or system shall not be made until the occupier has served on an inspector, and affixed in the factory or workshop, notice of his intention to make the change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4.) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and the times allowed for meals in that factory or workshop shall be regulated by that clock.

33. With respect to meals the following regulations shall (save as is in this Act specially excepted) (a) be observed in a factory and workshop:—

Meal times to be simultaneous, and employment during meal times forbidden.

- (1.) All women, young persons, and children employed therein shall have the times allowed for meals at the same hour of the day; and
- (2.) A woman, young person, or child shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to

remain in a room in which a manufacturing process or handicraft is then being carried on.

Prohibition of Sunday employment.

34. A woman, young person, or child shall not (save as is in this Act specially excepted) (a) be employed on Sunday in a factory or workshop.

Annual holiday and half holidays.

35.—(1.) Subject to any special exceptions made by or in pursuance of this Act, the occupier of a factory or workshop shall allow in each year to every woman, young person, and child employed in the factory or workshop the following holidays:—

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank holiday, (b) unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, (c) be allowed.

In Scotland there shall be allowed—

(a) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish, or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier;

(b) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

(a) Christmas Day;

(b) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday, and Easter Tuesday;

(c) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

(2.) At least half of the said whole holidays or half holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3.) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January,

(a) The exceptions referred to are those relating to Jews, who, so far as concerns young persons and women (but not children) of their own religion in their employment, may substitute Saturday for Sunday (s. 48), to the employment of male young persons at night in blast furnaces and paper mills (s. 54), and to the employment under Special Order of young persons and women for three hours in creameries (s. 42).

(b) For definition of "Bank holiday," see s. 156.

(c) It will be seen from subs. (3) below that the occupier must make up his mind whether he will fix other holidays at the beginning of the year. Unless he puts up a notice of his intention to change the days within the first week in January, and sends a copy of the notice at once to the inspector, the compulsory holidays in his factory or workshop are Christmas Day, Good Friday, and the four Bank holidays.

and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday:

Provided that—

- (a) this subsection does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole holiday is Christmas Day or Good Friday or a Bank holiday;
- (b) any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.
- (4.) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday, or a day substituted for Saturday.
- (5.) A woman, young person, or child who—
 - (a) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop; or
 - (b) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for that half holiday;

shall be deemed to be employed contrary to the provisions of this Act.

(6.) If in a factory or workshop such whole holidays or half holidays as are required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(ii.) *Special Exceptions as to Hours and Holidays.*

36. Where it is proved (a) to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, or parts thereof, either

Employment between 9 a.m. and 9 p.m. in certain cases.

(a) Special exceptions have been granted under this section to the following classes of factories and workshops:—

Workshops in which the curing of fish is carried on (Order gazetted December 22, 1882: St. R. & O. Rev., Vol. 3, p. 219);

Factories in the metropolis in which bookbinding is carried on, from September to February inclusive (Order gazetted January 18, 1884: St. R. & O. Rev., Vol. 3, p. 220);

Workrooms in connection with drapers' retail establishments in Manchester and Salford (Order gazetted April 18, 1884: St. R. & O. Rev., Vol. 3, p. 221);

Factories and workshops for the manufacture of straw hats and bonnets (Order gazetted May 3, 1887: St. R. & O., Vol. 3, p. 221).

In the last three of the above cases there is a proviso to the exception that there shall be a cubic space of 400 feet for each young person and woman employed by virtue of the exception. In the last case (straw hats and bonnets) there is also a proviso that no young person or woman shall under any circumstances be employed after 9 p.m.

generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that the grant can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, grant to that class of factories or workshops or parts thereof, a special exception that the period of employment for women and young persons therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in that case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

Employment of male young persons above 16 in lace factories.

37.—(1.) In the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and
- (b) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and
- (c) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the factory, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the factory, and notice of such period shall be affixed in the factory.

Employment of male young persons above 16 in bakehouses.

38.—(1.) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

- (b) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and
- (c) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the bakehouse, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the bakehouse, and notice of that period shall be affixed in the bakehouse.

39.—(1.) In any of the textile factories to which this exception applies, a woman, young person, or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal; provided that—

Five hours' spell in certain textile factories.

- (a) the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and
- (b) the whole time between that hour and eight o'clock is allowed for meals.

(2.) This exception applies to textile factories solely used for—

- (a) the making of elastic web; or
- (b) the making of ribbon; or
- (c) the making of trimming.

(3.) Where it is proved (a) to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend this exception accordingly. The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order (b) so directs, apply to hosiery factories.

40.—(1.) The provisions of this Act which require that all the women, young persons, and children employed in a factory or

Different meal times for different sets, and employment during meal times.

(a) This exception has (by Order gazetted December 22, 1882: St. R. & O. Rev., Vol. 3, p. 228) been extended to the following factories:—

Hosiery factories (revoked and replaced by Order dated May 12, 1902);
Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset;

Factories in which the only processes carried on are those of winding and throwing raw silk or either of such processes.

(b) Such an Order has been made. See Appendix of Orders hereafter.

workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely :—

- (i) Blast furnaces, or
- (ii) Iron mills, or
- (iii) Paper mills, or
- (iv) Glass works, or
- (v) Letter-press printing works.

(2.) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on shall not apply to the following factories, namely :—

- (i) Iron mills, or
- (ii) Paper mills, or
- (iii) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or
- (iv) Letter-press printing works.

(3.) In that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on—

- (i) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory ;
- (ii) A male young person may during the times allowed for meals to any other young person or to any woman or child be employed or be allowed to remain in a room in which a manufacturing process is carried on ; and
- (iii) During the times allowed for meals to a male young person any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4.) Where it is proved to the satisfaction of the Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely :—

- (a) an exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day ; or
- (b) an exception permitting women, young persons, and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he

may, by Special Order, extend both or either of those exceptions accordingly. (a)

(41.—(1.) The provisions of this Act as to period of employment, times for meals, and holidays, (b) shall not apply to young persons and women engaged—

Special exceptions as to fish and fruit preserving.

(a) in processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled; or

(b) in the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of June, July, August, and September, but this exception shall be subject to such conditions (c) as the Secretary of State may by Special Order prescribe.

(2.) Where an occupier avails himself of this exception, the notice required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals.

42. In the case of creameries (d) in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons, and the times allowed for their meals, and allow their employment for not more than three hours on Sundays and holidays: Provided that the order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act.

Special exceptions as to creameries.

43. Where it is proved (e) to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for women, young persons, and children is required by this Act to end on Saturday, he may, by Special Order, grant to that class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop

Substitution of another day for Saturday.

(a) For Orders by which these exceptions have been extended, *see* Appendix of Orders hereafter.

(b) This subsection is a modification of s. 100 subs. (2) of the Act of 1878, and s. 32 of the Act of 1891. By the earlier enactments the processes in question were altogether excluded from the operation of the Factory Acts. Now it is only the provisions as to period of employment, meal times, and holidays which do not apply, and even these provisions apply in case of children. The processes described in paragraph (a) are of a rather wider scope than those described in s. 100 subs. (2) of the Act of 1878.

(c) For the conditions prescribed, *see* Appendix of Orders hereafter.

(d) This section is new (1901). For an Order made under this section, *see* Appendix of Orders hereafter.

(e) For a special exception granted under this section, *see* Appendix of Orders hereafter.

some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day. In the case of newspaper printing offices, he may by such order authorise the substitution of some other day for Saturday in respect of some of the young persons therein employed. (a)

Saturday employment in Turkey red dyeing.

44. In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

Holidays on different days for different sets.

45. Where it is proved (b) to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order, grant to that class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of those women, young persons, and children, and not on the same days.

Employment inside and outside on the same day.

46. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside a factory or workshop on the same day, (c) he may, by special order, grant to that class of factories or workshops, or parts thereof, such special exception as may be necessary.

Hours and holidays in factory or workshop of Jewish occupier.

47. Where the occupier of a factory or workshop is a person of the Jewish religion—

- (1) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons on Saturday from after sunset until nine o'clock in the evening; or
- (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, he may employ women and young persons one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening.

(a) The last sentence is new (1901). An Order dated February 3, 1902 authorises this substitution on condition that a list of the young persons in whose respect another day is substituted is kept affixed in the factory.

(b) For a special exception under this section, *see* Appendix of Orders hereafter.

(c) The provisions referred to are those of s. 31.

48. Where the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions:—

Sunday employment of Jews in factory or workshop of Jewish occupier.

- (1.) The factory or workshop must be closed on Saturday and must not be open for traffic (a) on Sunday; and
- (2.) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening, or for an additional hour during any other day in the week. (b)

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice, the word Friday were substituted for Saturday.

Overtime.

49.—(1.) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening, if they are employed in accordance with the following conditions, namely:—

Overtime employment of women for press of work.

- (a) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half-an-hour must be after five o'clock in the evening; and
- (b) A woman (c) must not be so employed in the whole for more than three days in any one week; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act, except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein. (d)

(a) The word "traffic" does not include sending or fetching goods in accordance with prior arrangements (*Goldstein v. Vaughan*, 1897 1 Q.B. 549; 66 L.J. Q.B. 380; 76 L.T. 262; 45 W.R. 399; 61 J.P. 277).

(b) The exception referred to is that contained in s. 47 above.

(c) It will be noticed that the limitation in this paragraph applies to the individual employed, while the limitation in the next paragraph applies to the factory as a whole.

(d) The reason for this exception is that employment in "women's workshops" is regulated by a separate section (s. 29).

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women affected thereby, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.(a)

Overtime employment of women on perishable articles.

50.—(1.) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman may on any day except Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions, namely :—

- (a) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening; and
- (b) She must not be so employed in the whole for more than three days in any one week; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to every factory and workshop or part thereof in which is carried on—

- (a) the process of making preserves from fruit; or
- (b) the process of preserving or curing fish; or
- (c) the process of making condensed milk.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.(b)

Overtime employment on incomplete process.

51.—(1.) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young

(a) For an Order extending this exception, *see* Appendix of Orders hereafter.

(b) This exception was extended (by Order gazetted August 22, 1893) to non-textile factories in which are carried on the occupations of preparing cream and making butter and cheese; but the Order extending it was revoked by an Order dated June 1902. For the exceptions now extended to these occupations, *see* Appendix of Orders hereafter.

person, or child is employed, is in an incomplete state at the end of the period of employment of the woman, young person, or child, the woman, young person, or child may on any day except Saturday, or any day substituted for Saturday, be employed for a further period not exceeding thirty minutes:

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child in that week, do not raise that total above the number otherwise allowed under this Act.

(2.) This exception applies to the factories and workshops following, namely:—

- (a) Bleaching and dyeing works;
- (b) Print works;
- (c) Iron mills in which male young persons are not employed during any part of the night;
- (d) Foundries in which male young persons are not employed during any part of the night; and
- (e) Paper mills in which male young persons are not employed during any part of the night.

(3.) Where it is proved (a) to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons, and children, affected thereby, he may by Special Order extend this exception accordingly.

52. Where it appears (b) to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

Overtime employment in factories driven by water.

53. A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, so far as is necessary for the purpose only of

Overtime employment in Turkey red dyeing and open-air bleaching.

(a) For an Order extending this exception, *see* Appendix of Orders hereafter.

(b) For an Order granting an exception under this section, *see* Appendix of Orders hereafter.

preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Night Work.

Night employ-
ment of male
young persons
of 14.

54.—(1.) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards (a) may be employed during the night, if he is employed in accordance with the following conditions, namely—

- (a) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned; and
- (b) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed; and
- (c) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment; and
- (d) He must not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment; and
- (e) In the case of blast furnaces, iron mills, letter-press printing works, or paper mills, he must not be employed during the night in any process other than a process incidental to the business of the factory as described in Part 1. of the Sixth Schedule to this Act.

(2.) The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of whole or half holidays, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

(3.) This exception applies to the following factories, namely:—

- (a) Blast furnaces,
- (b) Iron mills,
- (c) Letter-press printing works, and
- (d) Paper mills.

(4.) Where it is proved (b) to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops, or parts thereof, it is necessary by reason of the nature of the business requiring the process to be carried on throughout the night to

(a) This section does not apply to children of thirteen who have obtained certificates under s. 71, and are therefore “deemed to be” young persons.

(b) For Orders extending this exception, see Appendix of Orders hereafter.

employ male young persons of sixteen years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards.

55. In glass works a male young person of fourteen years of age and upwards (a) may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely:—

Night employment of male young persons of 14 in glass works.

- (a) The total number of hours of the periods of employment must not exceed sixty in any one week; and
- (b) The periods of employment must not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine; and
- (c) He must not work in any turn without an interval of time not less than one full turn; and
- (d) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal; and
- (e) He must not be employed on Sunday.

56. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a male young person above the age of sixteen years may be employed at night during not more than two nights in a week, as if he were no longer a young person:

Night employment of male young persons of 16 in printing newspapers.

Provided that he must not in pursuance of this exception be employed more than twelve hours in any consecutive period of twenty-four hours.

Intermittent Employment.

57.—(1.) The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year.

Exemption for certain flax scutch mills.

(2.) A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.

(a See note at the beginning of s. 54.

Supplemental.

Power to impose
sanitary require-
ments as condi-
tion of special
exceptions.

58.—(1.) Where it appears to the Secretary of State—

(a) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons, or children, employed in pursuance of an exception under this Part of this Act, either for a longer period than is otherwise allowed by this Act, or at night; or

(b) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night,

he may, by Special Order, (a) direct that the adoption of the means or provision shall be a condition of such employment.

(2.) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the order directing the adoption without prejudice to the subsequent making of another order.

Power to rescind
orders as to
special excep-
tions.

59. Where an exception has been granted or extended under this Act by an order of the Secretary of State, and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons, or children employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the exception was so granted or extended, he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another order.

Notices, regi-
sters, &c. relating
to special excep-
tions.

60.—(1.) An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve on the inspector for the district, and affix in his factory or workshop, notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

(2.) Before the service of the notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of the notice on the inspector it shall not be

(a) For many years there was only one Order in force under this section, an Order gazetted December 22, 1882, recently rescinded, providing that, where any woman or young person is employed overtime under s. 53 of the Act of 1878 (s. 49 of the present Act, except that overtime employment of young persons is no longer sanctioned), there shall be a cubic space of at least 400 feet for every woman or young person so employed. This requirement is superseded, so far as factories are concerned, by s. 3 subs. (1) of the present Act. But with regard to workshops the Order gazetted January 1, 1904, is in force, and the condition which it imposes on the working of overtime in workshops is enforceable by the factory inspectors (see note on p. 65 of the official edition of Statutory Orders relating to Factories and Workshops). For the conditions prescribed in the several Orders now in force, see Appendix of Orders hereafter.

competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory or workshop, unless he has previously served on the inspector for the district notice that he no longer intends to avail himself of the exception.

(3.) The notice so served and affixed must, except as otherwise provided by this Act, specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

(4.) An occupier of a factory or workshop shall enter in the prescribed register and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person, or child in pursuance of a special exception; and, in the case of employment overtime, he shall also cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and he shall send the report required by this subsection to the inspector not later than eight o'clock in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception.

(5.) Where the occupier of a factory or workshop avails himself of a special exception made by or in pursuance of this Act, and a condition for availing himself of that exception (whether specified in this Act, or in an order of the Secretary of State made under this Act) is not observed in that factory or workshop, then

(a) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

(b) In any other case a woman, young person, or child, employed in the factory or workshop, in alleged pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act.

(6.) Where an occupier of a factory or workshop has served on an inspector a report in pursuance of this section of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be *prima facie* evidence in any proceedings under this Act that the occupier has in fact employed persons overtime in accordance with the report.

(iii.) *Fitness for Employment.*

61. An occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

Prohibition of employment of women after childbirth.

62. A child under the age of twelve years (a) must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act.

Prohibition of employment of children under twelve.

(a) The minimum age was ten under the Act of 1878; was raised to eleven by the Act of 1891; and was raised to twelve in England and Wales by the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899.

Certificates of fitness for employment of young persons under 16 and children in factories.

63.—(1.) In a factory (a) a young person under the age of sixteen years or a child must not be employed for more than seven, or if the certifying surgeon (b) for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of the young person or child for employment in that factory.

(2.) When a child becomes a young person a fresh certificate of fitness must be obtained.

(3.) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

Regulations as to grant of certificate of fitness.

64. With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect:—

(1.) The certificate shall be granted by the certifying surgeon for the district.

(2.) The certificate must not be granted except upon personal examination of the person named therein.

(3.) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.

(4.) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, (c) that the person named in the certificate is of the age therein specified, and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(5.) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions.

(6.) A certifying surgeon shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.

(a) It is not necessary to obtain certificates of fitness for employment in workshops. The occupier of a workshop may obtain them if he thinks fit for his own satisfaction (s. 65). The Secretary of State has power to extend to workshops the compulsory requirement of certificates of fitness (s. 66), but he has not at present exercised this power. S. 67, by which an inspector can in any particular case require a certificate of fitness, applies both to factories and to workshops.

(b) With regard to certifying surgeons, *see* ss. 122, 123, 124.

(c) The question, what is sufficient evidence, is left to the discretion of the certifying surgeon, subject to the inspector's power to annul the certificate under paragraph (9) below.

- (7.) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is of opinion that he can truly give the certificate for employment therein.
- (8.) The certificate of birth (*a*) (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.
- (9.) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.
- (10.) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

89 & 40 Vict.
c. 79.

65. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of young persons under the age of sixteen years and children who are unfitted for that employment, an occupier of a workshop may obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of young persons under the age of sixteen years and children for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the young persons and children, and grant certificates accordingly.

Power to obtain
certificates of fit-
ness for employ-
ment in work-
shops.

66.—(1.) Where it appears to the Secretary of State (*b*) that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the young persons under the age of sixteen years, and of the children employed therein, to extend thereto the prohibition in this section mentioned, he may, by Special Order, extend to that class of workshops the prohibition in this Act of the employment of young persons under the age of sixteen years and children without a certificate of the fitness of the

Power to require
certificates of fit-
ness for employ-
ment in certain
workshops.

(*a*) For the manner in which a certificate of birth may be obtained, see s. 134.

(*b*) There is no Order in force under this section.

young person or child for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

(2.) If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

Power of inspector to require surgical certificate of capacity for work.

67. Where an inspector is of opinion that a young person under the age of sixteen years or a child is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district has, after the service of the notice, personally examined the young person or child, and has certified that the young person or child is not so incapacitated as aforesaid.

PART III.

EDUCATION OF CHILDREN.

Attendance at school of children employed in factory or workshop.

68.—(1.) The parent (a) of a child employed in a factory or workshop shall cause that child to attend some recognised efficient school (b) (which school may be selected by the parent), as follows:—(c)

(a) The child, when employed in a morning or afternoon set, must in every week, during any part of which he is so em-

(a) For the definition of "parent," see s. 156.

(b) For the meaning of "recognised efficient school," see s. 72.

(c) Where the requirements of bye-laws under the Elementary Education Acts, with regard to attendance at school, are larger than the requirements of this Act, a question arose, in case of a child employed in a factory or workshop, whether the extra requirements of the bye-laws could be enforced. This question was answered in the affirmative in *Bury v. Cherryholm* (1 Ex. D. 457 : 35 L.T. 403), but in the negative in the later case of *Mellor v. Denham* (4 Q.B.D. 241 : 48 L.J. M.C. 113 : 40 L.T. 395 : 27 W.R. 505). Both these cases arose out of prosecutions of parents. As far as concerns the duties of employers with regard to employment of children under 13, it is provided, by 43 & 44 Vict. c. 23. s. 4 (printed hereinafter), that the requirements of the bye-laws prevail.

ployed, be caused to attend on each work day for at least one attendance; and

- (b) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances;
- (c) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education, (a) and be between the hours of eight in the morning and six in the evening:

Provided as follows:—

- (i.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed;
- (ii.) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, and when the school is closed during the ordinary holidays or for any other temporary cause;
- (iii.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

(2.) A child who has not in any week attended school for all the attendances required by this section must not be employed in the following week until he has attended school for the deficient number of attendances.

(3.) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

69.—(1.) The occupier of a factory or workshop in which a child is employed (b) shall on Monday in every week (after the first week in which the child began to work therein), or on some other day

Obtaining of school attendance certificate by occupier.

(a) An attendance is defined as an attendance at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects (Orders gazetted December 31, 1878, and March 4, 1879: St. R. and O. Rev. Vol. 3, pp. 211, 212).

(b) Under this section the occupier is responsible even though he is not the actual employer of the child—e.g., where there is a sub-contractor. The contrary was decided in *Fitten v. Wood* (33 L.T. 554), under an earlier Act in different language.

appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act..

(2.) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act.

(3.) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

Payment by
occupier of sum
for schooling.

70. The persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by them may (if fees for children may be charged in that school) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.(a)

Employment as
young person of
child of 13 on ob-
taining educa-
tional certificate.

71.—(1.) When a child of the age of thirteen years has obtained from a person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance, at a certified efficient school (b) as is mentioned in this section, (c) that child shall be deemed to be a young person for the purposes of this Act.

(a) A school board who voluntarily supply children with books cannot, according to a Scotch case, recover the cost of the books from the children's employers under this section (*Dundee School Board v. Gilroy*, 1899 1 F. 909).

(b) For the meaning of "certified efficient school," see s. 72.

(c) This section does not apply to Scotland (s. 159 subs. (7)). In England and Wales, and in Ireland, the standards of proficiency and due attendance, and the persons authorised to grant certificates, are now as follows:—

A. In England and Wales (see Order dated December 19, 1900).

(1.) The standard of proficiency shall be Standard No. 5, as fixed by the Code in force for the time being, of reading, writing, and arithmetic, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted in the manner prescribed by sections 4 to 8 of the Regulations of the Board of Education, dated April 23, 1900.

(2.) The standard of previous due attendance shall be 350 attendances (after the child has attained 5 years of age) in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance may be granted by the persons prescribed by ss. 9 to 11 of the Regulations of the Board of Education, dated April 23, 1900.

(2.) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State,^(a) with the consent of the Board of Education, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

(3.) Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

72.—(1.) In this Act—

The expression “certified efficient school” means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His Majesty’s inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as are for the time being required by the Board of Education, and is certified by the Board to be an efficient school; and

Definitions of
“certified efficient school,”
and “recognised efficient school.”

The expression “recognised efficient school” means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education.

33 & 34 Vict.
c. 75.

(2.) An inspector shall immediately report to the Board of Education every school recognised by him as giving efficient elementary education.

B. In Ireland (*see* Order dated February 19, 1903: St. R. & O., 1903, p. 754).

(1.) An attendance for the purposes of section 68 of the said Act shall be an attendance at instruction in secular subjects for a period of not less than two hours at some recognised efficient school.

(2.) The standard of proficiency for the purpose of section 71 of the said Act shall be such proficiency in reading, writing, and arithmetic as is prescribed for the fifth class or standard in the programme of instruction of the Commissioners of National Education in Ireland.

(3.) Certificates of proficiency may be granted in the same manner as is prescribed for Certificates under the Irish Education Act of 1892 by the Second Schedule to that Act (55 & 56 Vict., chapter 42).

(4.) The Order of the 15th February, 1879, defining an attendance at a recognised efficient school in Ireland, and prescribing the standard of proficiency and the standard of previous due attendance in Ireland is hereby revoked.

(a) *See* p. 150, note (c).

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i.) *Special Provisions.*

Notification of certain diseases contracted in factory or workshop.

73.—(1.) Every medical practitioner (a) attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4.) The Secretary of State may, by Special Order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

Provision as to ventilation by fan in certain factories and workshops.

74. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, (b) it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

(a) It will be observed that this section applies to medical practitioners generally, not only to the certifying surgeon officially connected with the factory or workshop.

(b) Actual injury to any particular person need not be proved. It is enough if there is a tendency necessarily to injure the health of the workers in the long run (*Hoare v. Ritchie*, 1901 1 Q.B. 434 : 70 L.J. Q.B. 279 : 84 L.T. 54 : 49 W.R. 351).

75.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

Lavatories and meals in certain dangerous trades.

(2.) In any factory (a) or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

76.—(1.) A woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Restrictions as to employment in wet-spinning.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

77.—(1.) In the part of a factory or workshop in which there is carried on—

Prohibition of employment of young persons and children in certain factories and workshops.

(a) the process of silvering of mirrors by the mercurial process; or

(b) the process of making white lead,

a young person or child must not be employed.

(2.) In the part of a factory in which the process of melting or annealing glass is carried on a female young person or a child must not be employed.

(3.) In a factory or workshop in which there is carried on—

(a) the making or finishing of bricks or tiles not being ornamental tiles; (b) or

(b) the making or finishing of salt,

a girl under the age of sixteen years must not be employed.

(4.) In the part of a factory or workshop in which there is carried on—

(a) any dry grinding in the metal trade; or

(b) the dipping of lucifer matches,

a child must not be employed.

(5.) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

(a) This subsection is new (1901).

(b) For an example of the processes which constitute finishing of bricks, see *Squire v. Stanley* (84 L.T. 535 : 65 J.P. 467). In that case the question was left open whether there is an absolute prohibition against employing girls under 16 in any place within a factory for making or finishing bricks.

Prohibition of taking meals in certain parts of factories and workshops.

78.—(1.) A woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops, or parts of factories or workshops; that is to say,—

- (a) in the case of glass works, in any part in which the materials are mixed; and
- (b) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on; and
- (c) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (d) in the case of earthenware works, in any part known or used as dippers house, dippers drying room, or china scouring room.

(2.) If a woman, young person, or child is allowed to take a meal or to remain during the times allowed for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

(3.) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4.) Where it appears (a) to the Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order, extend the prohibition in this section to the class of factories or workshops or parts thereof.

(5.) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons, and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

(ii.) *Regulations for Dangerous Trades.*(b)

Power to make regulations for safety of persons employed in dangerous trades.

79. Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour,

(a) For an Order extending the prohibition in this section, see Appendix of Orders hereafter.

(b) The next eight sections are a modification of ss. 1 to 8 of the Act of 1891, which related to what were called in that Act Special Rules and Requirements. The principal innovation is that under the present Act arbitrations are avoided. Their place is taken by the inquiries which the Secretary of State is generally bound to direct in case of opposition. He is not necessarily bound to act on the report of the person holding the inquiry. It is also to be observed that, whereas formerly Special Rules and Regulations could in theory be made only for a particular factory or workshop, and the owner of the factory or workshop could insist on an arbitration, Regulations may now be made applying generally to all factories and workshops where the danger exists (*see s. 82*). A full list of the Regulations in force will be found in the Appendix of Regulations.

used in factories or workshops, is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour, to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations (a) as appear to him to be reasonably practicable, and to meet the necessity of the case.

80.—(1.) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

Procedure for making regulations.

(2.) Every objection must be in writing and state—

(a) the draft regulations or portions of draft regulations objected to;

(b) the specific grounds of objection; and

(c) the omissions, additions, or modifications asked for.

(3.) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4.) Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in the manner herein-after provided.

81.—(1.) The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

Inquiries.

(2.) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3.) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4.) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.

(5.) The fee to be paid to the person holding the inquiry shall be

(a) Power to make regulations includes power to rescind, revoke, amend, or vary the regulations (Interpretation Act, 1889, s. 32 subs. (3)). Regulations under the Act are to be judicially noticed (s. 86 subs. (6) below).

such as the Secretary of State may direct, and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

Application of regulations.

82.—(1.) The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour, certified to be dangerous is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.

(2.) The regulations may apply to tenement factories and tenement workshops, and in such case may impose duties on occupiers who do not employ any person, and on owners.

(3.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture^(a) for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

Provisions which may be made by regulations.

83. Regulations made under the foregoing provisions of this Act may, among other things—

- (a) prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous; and
- (b) prohibit, limit, or control the use of any material or process; and
- (c) modify or extend any special regulations for any class of factories or workshops contained in this Act.

Regulations to be laid before Parliament.

84. Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and if either House within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

Breach of regulations.

85.—(1.) If any occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of or fails to comply with the regulation, he shall be liable for each offence to a fine not exceeding ten pounds, and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.

(a) The language, which is reproduced from s. 8 subs. (7) of the Act of 1891, is curious. It is not clear in what cases there would be a liability to any penalty under any agreement. Would this section leave liability to damages still existing? Probably not.

(2.) If any person other than an occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

86.—(1.) Notice of any regulations having been made under any foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes. Publication of regulations.

(2.) Printed copies of all regulations for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the regulations shall be posted up in the Welsh language also.

(3.) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4.) If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding ten pounds.

(5.) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding five pounds.

(6.) Regulations for the time being in force under this Act shall be judicially noticed.^(a)

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

87.—(1.) The owner (whether or not he is one of the occupiers) of a tenement factory ^(b) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act, namely, the provisions with respect to—

- (i.) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing of the interior of a factory;

(a) The effect of this provision is that in any legal proceedings the Court is assumed to know the regulations, and may refresh its memory from any appropriate source—*e.g.*, from the Appendix to this book.

(b) For definition of "tenement factory," *see s. 149.*

- (ii.) the fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier;
- (iii.) the notices to be affixed in a factory with respect to the period of employment, times for meals, and system of employment of children;
- (iv.) the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose; and
- (v.) the affixing of an abstract and notices in a factory.

Provided that (a) any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises (b) shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3.) In the case (c) of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by order so directs, be substituted for the occupier for the purpose of the requirements of section seven and section ninety-four of this Act or of any order of the Secretary of State with respect to ventilation.

(4.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by this Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

Regulations as to grinding of cutlery in tenement factory.

88.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all

(a) This proviso is new (1901). Now, even where different industries are carried on in the same tenement factory, the obligation to affix these notices is on the owner, but the occupier of any tenement may supersede them, if he likes, by putting up a separate notice in his own tenement.

(b) *i.e.*, s. 18.

(c) This subsection is new (1901).

times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5.) This section shall not apply to a textile factory.

89. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory. Certificate of fitness in tenement factory.

(ii.) *Cotton Cloth and other Humid Factories.*(a)

90. In every room, shed, or workshop, or part thereof, in which the weaving of cotton cloth is carried on (in this Act referred to as a "cotton cloth factory"), the following provisions shall have effect:— Temperature and humidity.

(1.) The amount of moisture in the atmosphere must not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in the Fourth Schedule to this Act opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time:

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

(2.) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

91. The Secretary of State may by order repeal or vary the table in the Fourth Schedule to this Act, and substitute any new or amended table therefor: Power to alter table of humidity.

Provided as follows:—

(a.) The varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament is sitting, or if not, then within three weeks after the beginning

(a) The next six sections reproduce the provisions of the Cotton Cloth Factories Act, 1889, the Cotton Cloth Factories Act, 1897, and an Order dated February 2, 1898, and made under the latter Act.

of the next ensuing session of Parliament; and if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect:

- (b.) The table shall not come into operation until it has been laid before Parliament for forty days; but after the expiration of those forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the London Gazette, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in that factory, and after the expiration of fourteen days from the first publication thereof in the London Gazette, the varied or substituted table shall be deemed to be the table in the Fourth Schedule to this Act.

**Employment of
thermometers.**

92.—(1.) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature there must be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers.

(2) The following regulations shall be observed with reference to the employment of such thermometers:—

- (a.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as is directed or sanctioned by an inspector, so as to be plainly visible to the workers;
- (b.) The occupier or manager or person for the time being in charge of the factory shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and eleven o'clock in the forenoon, and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory, and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form of Record and the regulations contained in the Fourth Schedule to this Act;
- (c.) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers, and after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference;
- (d.) There must be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act;
- (e.) Each form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

93.—(1.) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the chief inspector of factories.

Notices and inspections where humidity is artificially produced.

(2.) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in the prescribed form.

(3.) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

94. In every cotton cloth factory the following regulations for the protection of health shall have effect, viz. :—

Regulations for the protection of health.

- (1.)** The water used for the purpose of producing humidity shall either be taken from a public supply of drinking water or other source of pure water, or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.
- (2.)** The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable, and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimise the amount of heat thrown off by them into the shed.
- (3.)** In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.
- (4.)** Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be whitewashed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.
- (5.)** In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight a sufficient and suitable cloak room, or cloak rooms, shall be provided

for the use of all the persons employed therein, and shall be ventilated and kept at a suitable temperature.

Penalties for non-compliance.

95. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance, and if those acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after the notice has been given, the occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds,^(a) and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

Application of foregoing provisions to other humid factories.

96. The foregoing provisions of this Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which regulations under Part IV. of this Act with respect to humidity are not for the time being in force, but subject to the following qualifications, namely:—

- (a.) The Secretary of State may by Special Order (b) modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity;
- (b.) The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required; and
- (c.) Section ninety-four respecting regulations for the protection of health in cotton cloth factories shall not apply; and
- (d.) The regulations in section ninety-two distinguished as (b), (c), (d), and (e) which are required to be observed with reference to the employment of thermometers shall not apply to cotton spinning mills.

(iii.) *Bakehouses.*(c)

Sanitary regulations for bakehouses.

97.—(1.) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with:—

- (a.) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse;
- (b.) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset;
- (c.) A drain or pipe for carrying off faecal or sewage matter must not have an opening within the bakehouse.

(a) There is no power to reduce the penalty in case of a first offence by virtue of s. 4 of the Summary Jurisdiction Act, 1889 (*Osborn v. Wood*, 1896 1 Q.B. 197: 66 L.J. Q.B. 178: 45 W.R. 319: 61 J.P. 118).

(b) For an Order modifying the provisions of schedule 4 in respect of factories where the spinning of merino, cashmere, and wool by the "French" or "dry" process is carried on, see Appendix of Orders hereafter.

(c) For an Order with regard to overcrowding of underground bakehouses, and of bakehouses used at night, see note (a) on p. 115.

(2.) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

98.—(1.) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

Penalty for bakehouse being unfit on sanitary grounds

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

99.—(1.) All the inside walls of the rooms of a bakehouse, and all the ceiling or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

Limewashing, painting, and washing of bakehouses.

(a) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap once at least in every six months; and

(b) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2.) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

100.—(1.) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it is constructed as follows; that is to say:—

Provision as to sleeping places near bakehouses.

(a) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(b) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2.) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

Prohibition of
underground
bakehouses.

101.—(1.) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act.(a)

(2.) Subject to the foregoing provision,(b) after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.

(3.) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking, or for any process incidental thereto.

(4.) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.

(5.) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891.

(6.) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act.

(7.) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction, and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8.) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.(c)

(a) This subsection reproduces an enactment in the same terms in s. 27 subs. (3) of the Act of 1895. It was held under that Act that an underground bakehouse, temporarily unoccupied but not abandoned, was used as a bakehouse at the passing of the Act (*Schwitzerhof v. Wilkins*, 1898 1 Q.B. 640 : 67 L.J. Q.B. 476 : 78 L.T. 229 : 62 J.P. 247).

(b) This subsection, together with subs. (4), (5), (7), and (8), is new (1901).

(c) This subsection does not empower the court to allow any compensation to the occupier otherwise than in respect of the expenses of the alteration. But in allowing him to apply for the determination of the lease this subsection goes beyond the provisions in s. 14 subs. (2) and s. 82 subs. (3) relating to similar circumstances. See also note (c) on p. 122.

54 & 55 Vict.
c. 76.

102. As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the medical officer of health of the district council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

Enforcement of law as to retail bakehouses by sanitary authorities.

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

(iv.) *Laundries.*(a)

103.—(1.) In every laundry carried on by way of trade, or for purposes of gain,(b) the following provisions shall apply:—

Application of Act to laundries.

- (a.) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women fourteen hours, for young persons twelve hours, and for children ten hours in any consecutive twenty-four hours; nor a total for women and young persons of sixty hours, and for children of thirty hours, in any one week, in addition to such overtime as may be allowed in the case of women;
- (b.) A woman, young person, or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal;
- (c.) Women, young persons, and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons, and children employed in a factory or workshop under this Act;
- (d.) So far as regards provisions with respect to health and safety,

(a) In the Bill of 1901 it was proposed that laundries worked by mechanical power should be deemed to be factories, and that other laundries should be deemed to be workshops. If this proposal had been passed, the Act generally would have applied to laundries, subject to express special exceptions. But the proposal was withdrawn, and the provisions of the Act of 1895 re-enacted without alteration. As the law stands, many of the most important provisions of the Act are expressly applied to laundries (subs. (1) (c) and (d)). But the provisions of the Act as to hours of work and overtime are not so applied. In their place, special regulations are made for laundries in subs. (1) (a) and subs. (2). It is to be observed that the Act does not apply at all either to laundries not carried on by way of trade or for purposes of gain, or to laundries described in subs. (4), including "domestic laundries."

(b) It was held in a Scotch case that a laundry attached to a hotel was not carried on by way of trade or for purposes of gain, when the following kinds of work were done in the laundry—(a) washing the hotel linen, (b) washing the clothes of the hotel servants without charge as part of their remuneration, and (c) washing the clothes of visitors to the hotel at high charges (*Caledonian Railway Company v. Paterson*, 1895 1 F. (J.C.) 24). Some doubt was expressed by the Court whether the last kind of work did not bring the laundry within the Act.

accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop ;

(e.) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day ;

(f.) The provisions of this Act prohibiting the employment of women within four weeks after childbirth, and of children under the age of twelve years, shall apply to the laundry in like manner as to a factory or workshop.

(2) Women employed in laundries may work overtime, subject to the following conditions, namely :—

(a.) A woman must not work more than fourteen hours in any day ; and

(b.) The overtime worked must not exceed two hours in any day ; and

(c.) Overtime must not be worked on more than three days in any week or more than thirty days in any year ; and

(d.) The requirements of section sixty of this Act with respect to notices must be observed.

(3.) In the case of every laundry worked by steam, water, or other mechanical power—

(a) a fan or other means of a proper construction must be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry ; and

(b) all stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used ; and

(c) the floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4.) Nothing in this section shall apply to any laundry in which the only persons employed are—

(a) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than this Act ; or

(b) inmates of an institution conducted in good faith for religious or charitable purposes ; or

(e) members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.

(v.) *Docks.*

104.—(1.) The provisions of this Act (a) with respect to —

Application of certain provisions to docks.

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and
- (v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if every dock, (b) wharf, (c) quay, and warehouse, (d) and all machinery or plant used in the process of loading (e) or unloading or coaling any ship in any dock, harbour, or canal were included in the word “factory,” and the purpose for which the machinery or plant is used were a manufacturing process; and as if the person who by himself, his agents, or workmen, uses any such machinery or plant for the before-mentioned purpose were the occupier of the premises; and for the purpose of the enforcement of

(a) This section and s. 105 are re-enactments, with modifications, of s. 23 of the repealed Act of 1895. Consequently, by the effect of s. 38 subs. (1) of the Interpretation Act, 1889, references in the Workmen’s Compensation Act, 1897, to s. 23 of the Act of 1895 are to be construed as references to ss. 104 and 105 of the present Act (*Stevens v. General Steam Navigation Co.*, 1903 1 K.B. 890; 72 L.J. K.B. 417; 88 L.T. 542; 51 W.R. 578; 67 J.P. 415). There have been numerous recent decisions under the Workmen’s Compensation Act which throw light on the meaning of these two sections. The more important of these decisions are cited below.

(b) It is now settled that a ship in a dock is within the scope of this section, whether the dock is a dry dock (*Raine v. Jobson*, 1901 A.C. 404; 70 L.J. K.B. 771; 85 L.T. 141; 49 W.R. 705), or a wet dock (*Cattermole v. Atlantic Transport*, 1902 1 K.B. 204; 71 L.J. K.B. 173; 85 L.T. 513; 50 W.R. 129; 66 J.P. 4; *Bartell v. Gray*, 1902 1 K.B. 225; 71 L.J. K.B. 115; 85 L.T. 658; 50 W.R. 310; 66 J.P. 308), and even if the ship has started on her outward voyage, but has not left the dock (*Griffin v. Houlder Line*, 1904 1 K.B. 510; 73 L.J. K.B. 202; 90 L.T. 142; 52 W.R. 323; 68 J.P. 213).

(c) The term “wharf” may include a floating structure moored in a river (*Ellis v. Cory*, 1902 1 K.B. 38; 71 L.J. K.B. 72; 85 L.T. 499; 50 W.R. 131; 66 J.P. 116). Whether premises situate some distance from the water form part of a dock wharf or quay may be a question of fact (*Haddock v. Humphrey*, 1900 1 Q.B. 609; 69 L.J. Q.B. 327; 82 L.T. 72; 48 W.R. 292; 64 J.P. 86; *Kenny v. Harrison*, 1902 2 K.B. 168; 71 L.J. K.B. 783; 87 L.T. 318). Temporary use of premises for other purposes does not prevent them from being in fact a wharf (*Kenny v. Harrison*, *supra*).

(d) A warehouse need not be contiguous to water in order to be included in this section (*Wilmoth v. Paton*, 1902 1 K.B. 237; 71 L.J. K.B. 1; 85 L.T. 569; 50 W.R. 148; 66 J.P. 197). The word “warehouse” includes a place of storage used for the purposes of a wholesale business (*Green v. Britten*, 1904 1 K.B. 350; 89 L.T. 713; 52 W.R. 198), but not a place of storage used only for the purposes of a retail shop (*Burr v. Whiteley*, 19 T.L.R. 117; *Colvine v. Anderson*, 5 F. 255 (Ct. of Sess)).

(e) The process of loading includes the process of “finishing off” by slinging iron beams across the hatchway (*Stuart v. Nixon*, 1901 A.C. 79; 70 L.J. K.B. 170; 84 L.T. 65; 49 W.R. 636; 65 J.P. 388).

those provisions the person having the actual use or occupation(a) of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery or plant shall be deemed to be the occupier of a factory.

(2.) For the purposes of this section the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act, 1894.

57 & 58 Vict.
c. 60.

(vi.) *Buildings.*

Application of
certain provi-
sions to build-
ings.

105.—(1.) The provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and
- (v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power(b) is temporarily used for the purpose of the construction of a building or any structural work in connection with a building(c) were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for

(a) The owner of a ship, having the practically exclusive use of the part of the quay alongside the ship for the purpose of unloading, has the "actual use" of the quay (*Merrill v. Wilson*, 1901 1 Q.B. 35; 70 L.J. Q.B. 97; 83 L.T. 490; 49 W.R. 161; 65 J.P. 53). This decision was approved by the House of Lords in *Raine v. Jobson* (above), and followed in *Hainsborough v. Ralli*, 18 T.L.R. 21. In *Shea v. Drolescaux* (48 S.J. 115) it was held that agents of a foreign ship which was lying in dock was not the actual use or occupation of the ship. In *Stewart v. Darnagill Coal Co.* (4 F. 425 (Ct. of Sess.)) it was held that a coal company who had a contract to supply coal to a ship, and themselves made a contract with a coal-porter under which the coal-porter employed men to load the coal from the quay, had not the actual use or occupation of the quay. In *Bartell v. Gray* (*supra*) repairs were held to have the actual use or occupation of a ship, although some of the crew were left in charge of the ship. Similarly in *Weavings v. Kirk and Randall* (1904 1 K.B. 213; 73 L.J. K.B. 77; 89 L.T. 577; 52 W.R. 209; 68 J.P. 91) builders erecting pigeon-holes in the upper part of a warehouse were held to have the actual use or occupation of that part.

(b) See, for an illustration, *McNicholas v. Dawson* (1899 1 Q.B. 773; 68 L.J. Q.B. 470; 80 L.T. 317; 47 W.R. 500). The particular point in that case, that the machinery on the premises, as well as the premises themselves, may be a factory for the purposes of the Workmen's Compensation Act, is not important in relation to the Factory Act.

(c) This does not include the case of a pulley worked by a winch which itself is worked by hand (*Wrigley v. Bagley*, 1901, 1 K.B. 780; 70 L.J. K.B. 538; 84 L.T. 415; 49 W.R. 472; 65 J.P. 372; *Wilwott v. Paton*, *supra*).

the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

- (a) any building which exceeds thirty feet in height, (a) and which is being constructed or repaired (b) by means of a scaffolding and
- (b) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,

were included in the word "factory," and as if, in the first case, the employer of the persons engaged in the construction or repair and, in the second case, the occupier of the building, were the occupier of a factory.

(vii.) *Railways.*

106.—(1.) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, is used in connexion with a factory or work-

Application of certain provisions to railway sidings.
63 & 64 Vict. c. 27.

(a) It is not enough that the building as designed will ultimately exceed 30 feet (*Billings v. Holloway*, 1899 1 Q.B. 70 : 68 L.J. Q.B. 16 : 79 L.T. 396 : 47 W.R. 105). Where the roof is on, the building should be measured to the top of the roof (*Hoddinott v. Newton*, 1901 A.C. 49 : 70 L.J. Q.B. 150 : 84 L.T. 1 : 49 W.R. 380). In some cases it may be right to measure from a point below the level of the ground (*McGath v. Neill*, 1902 1 K.B. 211). A building does not exceed 30 feet merely because it has internal communication with another building which does exceed 30 feet and is in the same occupation (*Rixson v. Pritchard*, 1900 1 Q.B. 800 : 69 L.J. Q.B. 494 : 82 L.T. 186).

(b) The meaning of the words "constructed" and "scaffolding" was considered by the House of Lords in *Hoddinott v. Newton* (above), a case under the Workmen's Compensation Act. It was held that construction includes reconstruction and alteration, and is not confined to the original construction of the building as a whole. Whether an erection is a scaffolding is a question of mixed fact and law. An internal staging of boards and ledgers and trestles is a scaffolding. A ladder and crawl board may be a scaffolding (*Veazey v. Chattle*, 1902 1 K.B. 494 : 71 L.J. K.B. 252 : 85 L.T. 574 : 50 W.R. 263 : 66 J.P. 389). So may an ordinary pair of painters' steps (*Elvin v. Woodward*, 19 T.L.R. 410). See also *Marshall v. Rudeforth* (1902 2 K.B. 175 : 71 L.J. K.B. 781 : 86 L.T. 752 : 50 W.R. 596 : 66 J.P. 627), *Crowther v. West Riding Window Cleaning Co.* (1904 1 K.B. 232), and *O'Brien v. Dobbie* (1905 1 K.B. 346). It has also been held that the construction of a building is not finished until the scaffolding is taken down (*Frid v. Fenton*, 69 L.J. Q.B. 436 : 82 L.T. 193). See also *Plant v. Wright* (1905 1 K.B. 353). The word "repaired" includes the stopping and whitewashing of ceilings (*Dredge v. Conway*, 70 L.J. Q.B. 494 : 84 L.T. 345). Other cases relating to similar words in the Workmen's Compensation Act are *Wood v. Walsh*, 1899 1 Q.B. 1009 : 68 L.J. Q.B. 492 : 80 L.T. 345 : 47 W.R. 504 : 63 J.P. 212 : *Maude v. Brook*, 1900 1 Q.B. 575 : 69 L.J. Q.B. 322 : 82 L.T. 39 : 48 W.R. 290 : 64 J.P. 181 : and *Ferguson v. Green*, 1901 1 Q.B. 25 : 70 L.J. Q.B. 21 : 83 L.T. 461 : 49 W.R. 105 : 64 J.P. 819. All these cases must now be considered subject to the decision in *Hoddinott v. Newton* (above).

shop, or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and
- (v.) Fines in case of death or injury (section one hundred and thirty-six),

shall have effect as if the line or siding were part of the factory or workshop.

(2.) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

PART VI.

HOME WORK.

Lists of out-workers to be kept in certain trades.

107. In the case of persons employed in such classes of work as may from time to time be specified by Special Order of the Secretary of State (a)—

- (1.) The occupier of every factory and workshop (b) and every contractor employed by any such occupier in the business of the factory or workshop shall—

- (a) keep in the prescribed form and manner, and with^athe prescribed particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed; and

- (b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

- (c) send (c) on or before the first day of February and the first day of August in each year copies of those lists to the district council (d) of the district in which the factory or workshop is situate.

- (2.) Every district council shall cause the lists received in pursuance of this section to be examined, and shall furnish the name

- (a) For the Home Work Order made under this section, *see* Appendix of Orders hereafter.

- (b) The obligations under this section extend to the occupiers of men's workshops (s. 157), and the lists of outworkers must include men.

- (c) The requirement to send the lists to the district council is new (1901). Previously the lists had to be sent to the inspector; now, by paragraph (b) above, they need only be sent to him when he requires it.

- (d) In the City of London the Court of Common Council; elsewhere in London the Borough Council (s. 153, subs. (4).) In Scotland the Local Authority under the Public Health (Scotland) Act, 1897 (s. 159, subs. (2).)

and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.

- (3.) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.
- (4.) This section shall apply (a) to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.
- (5.) In the event of a contravention of this section by the occupier of a factory, workshop, or place, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings, and in the case of a second or subsequent offence, not exceeding five pounds.

108.—(1.) If the district council (b) within whose district is situated a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine not exceeding ten pounds.

Employment of person in unwholesome premises.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) This section shall not apply except in the case of persons employed in such classes of work (c) as the Secretary of State may specify by Special Order.

109. If the occupier of a factory or workshop or of any place (d) from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Making of wearing apparel where there is scarlet fever or small-pox.

(a) The corresponding provision before this Act applied only to the giving out of the work of making wearing apparel for sale.

(b) Previously, by s. 5 subs. (1) of the Act of 1897, it was the inspector who might give this notice.

(c) For the Order putting this section into operation, see Appendix of Orders.

(d) It may no doubt be assumed that "place" includes laundry.

Prohibition of home work in places where there is infectious disease.

110.—(1.) If any inmate (a) of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2.) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3.) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4.) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.

(5.) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, (b) and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by Special Order (c) of the Secretary of State.

Application of Act to domestic factories and workshops.

111. The application of this Act to domestic factories and domestic workshops (d) shall be subject to the following provisions:—

(1.) The regulations with respect to the hours of employment of women, young persons, and children, shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein:—

(a.) A young person or child shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(a) This section is new (1901).

(b) These diseases are small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by the following names—typhus, typhoid, enteric, relapsing, continued, or puerperal, and also, as respects any particular district, any infectious disease to which the Notification Act has been applied by the local authority (Infectious Disease (Notification) Act, 1889, s. 6).

(c) For an Order under this subsection, see Appendix of Orders hereafter.

(d) For the definition of “domestic factories” and “domestic workshops,” see s. 115.

- (b.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and
 - (c.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and
 - (d.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and
 - (e.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days; and a child shall not be employed on Saturday in any week before the hour of one in the afternoon if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and
 - (f.) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.
- (2.) The requirement as to making certain entries and reports when a woman, young person, or child, is employed in pursuance of an exception, shall not apply except so far as may be prescribed from time to time by the Secretary of State.
- (3.) The provisions of this Act with respect to certificates of fitness for employment shall apply to a domestic factory as if it were a workshop and not a factory.(a)
- (4.) The following provisions shall not apply to a domestic factory or to a domestic workshop, namely:—
- (a) the provisions as to meal hours being simultaneous, and as to prohibition of employment during meal times;
 - (b) the provisions as to affixing notices and abstracts, and as to specifying certain matters in notices so affixed;
 - (c) the provisions as to holidays;
 - (d) the provisions as to notices of accidents;
 - (e) the provisions as to means of ventilation, the drainage of floors, and thermometers;
 - (f) the provisions as to the keeping of a general register.

- (5.) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory.

Dangerous processes in domestic factories and workshops.

112. If any manufacture,^(a) process, or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous,^(b) is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.

Abstracts for domestic factories and workshops.

113. The Secretary of State ^(c) shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise as he thinks fit.

Non-application of Act to certain domestic workshops.

114.—(1.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

- (i) straw plaiting, or
- (ii) pillow-lace making, or
- (iii) glove making,

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend the provisions of this subsection to that handicraft, he may by Special Order extend the same accordingly.^(d) Part Two of this Act shall apply, so far as circumstances admit, as if the order were an order extending an exception.

(2.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to any of the following purposes, namely,—

- (i) the making of any article or of part of any article ; or
- (ii) the altering, repairing, ornamenting, or finishing of any article ; or
- (iii) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

(a) This clause is new (1901).

(b) *i.e.*, under s. 79.

(c) This clause is new (1901).

(d) No Order is in force under this provision.

115. The expressions "domestic factory" and "domestic workshop" (a) mean a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or a workshop, as the case may be, within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

Definitions of "domestic factory" and "domestic workshop."

PART VII

PARTICULARS OF WORK AND WAGES.

116.—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

Particulars of work or wages to be given to piece workers.

(a.) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible:

(b.) In the case of weavers in the cotton trade, (b) the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible:

(c.) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on

(a) These expressions were not contained in the earlier Acts, but the factories and workshops to which the expressions are applied were dealt with in those Acts. The only factories to which the term "domestic factory" can apply are those of the factories specified in Part I. of the Sixth Schedule, in which no steam, water, or other mechanical power is used—*e.g.*, book-binding works.

(b) This paragraph relating to weavers in the cotton trade is new (1901). Previously they were on the same footing as other workers, to whom paragraph (c) applies. In their case it is now necessary, not only to furnish particulars in writing to each individual, but also to post on a placard the basis and conditions by which the prices are regulated and fixed.

a placard not containing any other matter, and posted in a position where it is easily legible :

- (d.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him :
- (e.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :
- (f.) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :
- (g.) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) The Secretary of State, (a) on being satisfied by the report of

(a) For Orders applying this section to non-textile factories and workshops, see Appendix of Orders hereafter.

an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by any such order apply these provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.(a)

117. Every Act for the time being in force relating to weights and measures (b) shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines, used in the sale of goods.

Inspection of weights and measures used in ascertaining wages.

PART VIII.

ADMINISTRATION.

(i.) *Inspection.*

118.—(1.) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix)(c) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

Appointment and duties of inspectors and clerks and servants.

(2.) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified,

(a) The last sentence of this subsection is new (1901).

(b) That is, 41 & 42 Vict. c. 49. and 52 & 53 Vict. c. 21.

(c) For the titles, names, and districts of inspectors, see the Appendix to the Chief Inspector's Annual Report.

persons having a knowledge of the Welsh language shall be preferred.

(3.) Notice of the appointment of every inspector shall be published in the London Gazette.

(4.) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by the Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5.) A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector.

(6.) An inspector shall not be liable to serve in any parochial or municipal office.

(7.) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8.) A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

**Powers of
inspectors.**

119.—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

(a.) To enter, inspect, and examine at all reasonable times, by day and night, (a) a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; (b) and

(b.) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(c.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(a) "Night" means the period from 9 p.m. to 6 a.m. (s. 156).

(b) The effect of this paragraph is that if an inspector, in the course of his work, enters a place which turns out not to be a factory or workshop within the meaning of the Act—for example, a room used solely for sleeping (s. 149 subs. (3)), or a place within the precincts of a factory or workshop but used solely for some purpose other than the process carried on in the factory or workshop (s. 149 subs. (4))—he is in a different position according as his entry is by day or by night. If it is by day, he is protected if he had reasonable cause to believe the place to be a factory or workshop. If it is by night, he has no such protection, but runs the risk of being treated as a trespasser.

- (d.) To make such examination and inquiry (a) as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and
- (e.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and
- (f.) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and
- (g.) To exercise such other powers as may be necessary for carrying this Act into effect.

(2.) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop.

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or conceals or prevents, or attempts to conceal or prevent, a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4.) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night twenty, pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night five pounds; and in the

(a) It has been decided in Ireland that the power to make inquiry as to outworkers' names and residences is not confined to the place where the work is given out (*Squire v. Sweeney*, noted 108 L.T. Journal, p. 303, January 27, 1900).

case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

Right of inspector to conduct proceedings before magistrates.

120. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

Certificate of appointment of inspector.

121. Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if so required, produce the said certificate to the occupier.

(ii.) *Certifying Surgeons.*

Appointment and duties of certifying surgeons.

122.—(1.) Subject to such regulations as may be made by the Secretary of State, an inspector (a) may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment.

(2.) Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3.) A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

(4.) The Secretary of State may make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

(5.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6.) Every certifying surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

When poor law medical officer is to act as certifying surgeon.

123. Where there is no certifying surgeon for a factory or workshop, (b) the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop.

(a) This power is exercised by the Chief Inspector.

(b) The corresponding previous enactment (s. 71 of the Act of 1878) applied only where there was no certifying surgeon resident within three miles of the factory or workshop.

124.—(1.) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children, shall be regulated as follows:—

Fees of certifying surgeons.

- (a.) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees;
- (b.) In the absence of agreement the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State;
- (c.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates, or at any other time directed by an inspector.

(2.) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop, shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State. Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State, and where the examination is in pursuance of regulations be paid by the occupier of the factory or workshop.

(3.) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe, and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

(iii.) *Local Authorities.*

125. For the purpose of their duties with respect to workshops and workplaces under this Act, and under the law relating to public health, the district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act.

Powers of local authorities and their officers.

(iv.) *Special Orders.*

126. The following provisions shall apply to such orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders:—

Provisions as to Special Orders of Secretary of State.

- (1.) The order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned, and shall come into operation at the date of its publication, or at any later date mentioned in the order;
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether granting or extending an exception

or prohibition, or directing the adoption of any special means or provision, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly :

- (3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the order has been so laid before that House, resolves that the order ought to be annulled, it shall after the date of that resolution be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order :
- (4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the making of the order.

(v.) *Notices, Registers, and Returns.*

Notice of occupation of factory or workshop.

127.—(1.) Every person shall, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district a written notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the person or firm under which the business of the factory or workshop is to be carried on.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, he shall be liable to a fine not exceeding five pounds.

(3.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the district council of the district in which the workshop is situate.

Affixing of abstract and notices.

128.—(1.) There shall be affixed at the entrance of every factory and workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop—

- (a.) The prescribed abstract of this Act ; and
- (b.) A notice of the name and address of the prescribed inspector ; and
- (c.) A notice of the name and address of the certifying surgeon for the district ; and
- (d.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (e.) Every notice and document required by this Act to be affixed in the factory or workshop.

(2.) In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

129.—(1.) In every factory and workshop there shall be kept a register, called the general register,^(a) showing in the prescribed form the prescribed particulars as to—

General registers.

- (a) the children and young persons employed in the factory or workshop; and
- (b) the limewashing of the factory or workshop; and
- (c) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector; and
- (d) every special exception of which the occupier of the factory or workshop avails himself; and
- (e) such other matters as may be prescribed.

(2.) Where any entry^(b) is required by this Act to be made in the general register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *prima facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as *prima facie* evidence that that provision has not been observed.

(3.) The register shall at all reasonable times be open to inspection by the certifying surgeon of the district.

(4.) The occupier of a factory or workshop shall send to an inspector such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5.) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine not exceeding five pounds.

130.—(1.) The occupier^(c) of every factory or workshop shall, on or before such days as the Secretary of State may direct, at intervals of not less than one nor more than three years, send to the Chief Inspector of Factories a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, and occupation, of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

Periodical return of persons employed.

(2.) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section, and shall be liable to a like fine for default in compliance with the requirement.

(a) The obligation to keep a "general register" (which does not apply to men's workshops) is new (1901), though registers were previously required to be kept of some of the matters now included in the general register.

(b) This provision is new (1901).

(c) Before this Act was passed, this return had to be made each year before March 31.

Registers of workshops.

131. Every district council(a) shall keep a register of all workshops situate within their district.

Report of medical officer of health on administration of Act.

132. The medical officer(b) of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State.

Miscellaneous Provisions.

Notice by medical officer of health of employment of woman, young person, or child in workshops.

133. Where any woman, young person, or child is employed in a workshop in which no abstract of this Act is affixed as by this Act required, and the medical officer of the district council becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district.

Certificate of birth in case of young persons under 16 and children.

134. Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board,(c) and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

PART IX.

LEGAL PROCEEDINGS.

Fine for not keeping factory or workshop in conformity with Act.

135.—(1.) If a factory or workshop is not kept in conformity with this Act, the occupier(d) thereof shall be liable to a fine not exceeding ten pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence.

(2.) The court of summary jurisdiction, in addition to or instead

(a) This section is new (1901).

(b) This section is new (1901).

(c) For the prescribed form for England and Wales, see Appendix of Orders hereafter. For Scotland and Ireland the corresponding forms are to be found in St. R. & O., 1902, pp. 111, 113.

(d) There is very little authority as to the meaning of "occupier." It has been held in a Scotch case that engineers who had been employed to erect machinery in a building, and were making a "preliminary run" to test the machinery, were not occupiers of the building (*Purves v. Sterne*, 1900 2 F. 887).

of inflicting a fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act. The court may, on application, enlarge the time so named, but if, after the expiration of the time originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day on which the non-compliance continues.

136. If any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, (a) and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines:

Fines in case of death or injury.

Provided as follows:—

- (a.) In the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by the neglect:
- (b.) The occupier shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted. (b)

(a) The occupier can exempt himself from a fine under this section if he proves due diligence and absence of knowledge, consent, or connivance on his part under s. 141 (see the Judgments in *Groves v. Wimborne*, below). Contributory negligence is no defence in proceedings under this section (*Blenkinsop v. Ogden*, 1898 1 Q.B. 783: 67 L.J. Q.B. 537: 78 L.T. 554: 46 W.R. 542).

(b) The Act is silent with regard to a workman's right to recover damages in case of injury to him resulting from a breach by his employer of any provision of the Act. Apart from any claim which he may have under the Employers' Liability Act, 1880, or under the Workmen's Compensation Act, 1897, there are two cases in which he may have a right of action. First, if he can show that his injury was due to his employer's failure to take reasonable care to provide and maintain proper appliances, he can bring an action for negligence at common law (*Williams v. Birmingham Battery Co.*, 1899 2 Q.B. 338: 68 L.J. Q.B. 918: 81 L.T. 62: 47 W.R. 630). Secondly, even if he cannot prove negligence, he has a right of action for damage caused by breach of statutory duty (*Groves v. Wimborne*, 1898 2 Q.B. 408: 67 L.J. Q.B. 862: 79 L.T. 284: 47 W.R. 87). In the case last referred to it was decided that the doctrine of common employment is no defence to such an action, and Vaughan Williams, L.J., expressed the opinion that contributory negligence would be a defence. In that opinion he was in accordance with the decision in *Caswell v. Worth* (5 E. & B. 849: 25 L.J. Q.B. 121), and with a Scotch decision in *Morris v. Boase* (1895), 22 R. 336. It was held in a Scotch case (*Kelly v. Glebe Sugar Refining Co.*, 1893, 20 R. 833) that a workman employed in a factory, and injured through a breach of the provisions of the Act relating to fencing, could recover damages, though at the time of the injury he was not actually engaged in the performance of his duties.

Fine for employing persons contrary to Act.

137.—(1.) Where any person(a) is employed in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence; and where any person is so employed in a domestic factory or a domestic workshop the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night two pounds, for each person so employed, and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

(2.) If a woman, young person, or child is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop, or allowed to remain in any room, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

Fine for offence by parent.

138.—(1.) If a young person or child is employed in a factory or workshop contrary to the provisions of this Act, the parent of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that the offence was committed without the consent, connivance, or wilful default, of the parent.

(2.) If the parent of a child neglects to cause the child to attend school in accordance with this Act, he shall be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries, and false declarations.

139. If any person --

- (a) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or
- (b) gives or signs any such certificate knowing the same to be false in any material particular; or
- (c) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or
- (d) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or
- (e) personates any person named in a certificate; or
- (f) falsely pretends to be an inspector; or
- (g) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or

(a) There is one case in which this section applies to adult males—viz., employment in contravention of s. 12 subs. (2).

- (h) wilfully makes a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or
 - (i) wilfully makes or signs a false declaration under this Act; or
 - (j) knowingly makes use of any such false entry or declaration
- he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

140. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person, shall be liable to the like fine as if he were the occupier.

Fine on person actually committing offence for which occupier is liable.

141.—(1.) Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

Power of occupier to exempt himself from fine on conviction of the actual offender.

- (a) that he has used due diligence to enforce the execution of this Act; and
 - (b) that the said other person had committed the offence in question without his knowledge, consent, or connivance,
- that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2.) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

- (a) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and
 - (b) by what person the offence has been committed; and
 - (c) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,
- the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

142. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connexion with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Owner of machine liable in certain cases instead of occupier.

Limit to cumulative fines.

143. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

- (a) where the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

Prosecution of offences and recovery and application of fines.

144.—(1.) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(2.) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3.) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4.) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop and the father, son, or brother of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5.) A person (a) engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act shall not act as a justice of the peace in hearing and determining the charge.

Appeal to quarter sessions.

145. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions. (b)

Limitation of time and general provisions as to summary proceedings.

146. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:—

- (1.) The information shall be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months from the commission of the offence:

(a) This subsection is new (1901).

(b) If the person aggrieved desires to question the conviction or order on the ground that it is erroneous in point of law, he has power, under s. 33 of the Summary Jurisdiction Act, 1879, to apply to the court to state a special case for the decision of the High Court, and, if necessary, to apply to the High Court for an order requiring the case to be stated.

- (2.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (3.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

147.—(1.) If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

Evidence in summary proceedings.

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment ; and this enactment shall not apply to a domestic factory or workshop.

(2.) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3.) A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4.) A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

148. Any notice, order, requisition, summons, and document, required or authorised to be served or sent for the purposes of this Act—

Service of notices and documents, &c.

- (a) may be served and sent by post, or by delivering the same to or at the residence of the person on or to whom it is to be

served or sent, or (where he is the owner of a factory or workshop) by delivering the same or a true copy thereof to his agent, or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his agent or to some person in the factory or workshop; and

- (b) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

PART X.

SUPPLEMENTARY.

(i.) *Application and Definitions.*

Factories and workshops to which Act applies.

149.—(1.) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

The expression “textile factory” means any premises wherein or within the close or curtilage of which steam, water, or other mechanical power, is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton,(a) wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories:

The expression “non-textile factory” means—

- (a) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act; and
- (b) any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power,(b) is used in aid of the manufacturing process carried on there; and
- (c) any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of

(a) “Manufacture of cotton” includes a process by which cotton is both made and applied to some other substance, e.g., to strips of steel for crinolines (*Whymper v. Harvey*, 18 C.B. N.S. 243: 34 L.J. M.C. 113: 11 L.T. 711: 11 Jur. N.S. 269: 13 W.R. 426). “Process incident to the manufacture of cotton” includes a process of winding cotton (brought to the factory in hanks) on to cops and thence on to spools (*Haydon v. Taylor*, 4 B. & S. 519: 33 L.J. M.C. 30: 9 L.T. 382: 12 W.R. 103).

(b) This does not include the case of a mechanical appliance worked by hand only (*Wrigley v. Bagley*, 1901 1 K.B. 780: 70 L.J. K.B. 538: 84 L.T. 415: 49 W.R. 472: 65 J.P. 372: *Wilmott v. Paton*, 1902 1 K.B. 237: 71 L.J. K.B. 1: 85 L.T. 569: 50 W.R. 148: 66 J.P. 197).

trade or for purposes of gain (a) in or incidental to any of the following purposes, namely—

- (i.) the making of any article or of part of any article; or
 - (ii.) the altering, repairing, ornamenting, or finishing of any article; or
 - (iii.) the adapting for sale of any article, (b)
- and wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power is used in aid of the manufacturing process carried on there: (c)

The expression "factory" means textile factory and non-textile factory, or either of those descriptions of factories:

The expression "tenement factory" means a factory where mechanical power is supplied (d) to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

The expression "workshop" means—

- (a) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory; and

(a) "Gain" means direct gain. The definition does not apply to the case of a farm labourer employed to drive a steam engine, which works a mill for grinding meal, where the meal is to be used as food for stock and is not to be sold (*Nash v. Hollinshead*, 1901 1 Q.B. 700: 70 L.J. Q.B. 571: 84 L.T. 483: 49 W.R. 424: 65 J.P. 357).

(b) It was held in a Scotch case that refuse works belonging to the Corporation of Glasgow, in which the saleable parts of the city refuse were separated from the unsaleable parts by the aid of steam power, were a non-textile factory within this part of the definition (*Henderson v. Glasgow Corporation*, 1900 2 F. 1127). On the meaning of "adapting for sale," see also *Law v. Graham*, and *Fullers v. Squire*, cited below.

(c) Premises occupied by a beer dealer, in which bottles are first washed by means of mechanical power, and then filled with beer by manual labour alone, are not a factory within this definition (*Law v. Graham*, 1901 2 K.B. 327: 70 L.J. K.B. 608: 84 L.T. 599: 49 W.R. 622: 65 J.P. 501). But where beer and carbonic acid gas are mixed by means of mechanical power, and then when combined put into bottles, the process comes within the words "the adapting for sale of any article," and the premises where this is done are a factory (*Hoare v. Truman*, 71 L.J. K.B. 380: 86 L.T. 417: 66 J.P. 342). With regard to the meaning of "adapting for sale," see also *Fullers v. Squire*, cited below, and *Henderson v. Glasgow*, cited above. With regard to the meaning of "in aid of," see a Scotch case, *Petrie v. Weir* (1900 2 F. 1041). A threshing-machine and traction-engine on the way to the place where they are to be used do not together constitute a "peripatetic factory" (*George v. Macdonald*, 4 F. 190 (Ct. of Sess.): 1903 W.N. 159). In *Mooney v. Edinburgh Tramway Co.* (4 F. 390 (Ct. of Sess.): 1903 W.N. 161) it was held by a majority of the Court of Session that a shed used by a Tramway Company for the repair of cars was a factory, although no mechanical power was used there except to move a travelling platform which was used for moving the cars.

(d) "Supplied" means "taken by the factory occupier from a source of supply external to himself" (per Buckley, J., in *Toller v. Spiers & Pond*, 1903 1 Ch. at p. 368); so that a building comprising several factories, in each of which mechanical power is produced by arrangements within the factory, is not a tenement factory.

(b) any premises, room, or place, not being a factory, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—

(i) the making of any article or of part of any article, or

(ii.) the altering, repairing, ornamenting, or finishing of any article, or

(iii.) the adapting for sale of any article, (a)

and to or over which premises, room, or place the employer of the persons working therein has the right of access or control :

The expression "workshop" includes a tenement workshop.

The expression "tenement workshop" (b) means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

(2.) A part of a factory or workshop may, with the approval (c) in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.

(3.) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4.) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly. (d)

(5.) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air. (e)

(6.) The exercise by any young person or child in any recognised efficient school, during a portion of the school hours, of any manual

(a) It was held in *Fullers v. Squire* (1901 2 K.B. 209 : 70 L.J. K.B. 689 : 85 L.T. 249 : 49 W.R. 683 : 65 J.P. 660) that the process of packing sweet-meats in cardboard boxes and ornamental hampers, tying the boxes and hampers with fancy ribbons, and arranging the boxes and hampers both inside and outside so as to make them attractive to the public, is within the words "adapting for sale," where the process is carried on in a retail shop after the ordinary shop hours. Lord Alverstone, C.J., said that the case was very near the line, and declined to express an opinion whether similar work carried on in a shop during shop hours would be within the section.

(b) This definition, and the inclusion within the Act of such workplaces, are new (1901).

(c) The requirement of the chief inspector's approval is new (1901).

(d) On the question what constitutes a "place" within the meaning of this subsection, and what is sufficient demarcation to bring the place within the subsection, see *Lewis v. Gilbertson* (68 J.P. 323).

(e) This subsection meets the decisions in *Kent v. Astley* (L.R. 5 Q.B. 19) and *Redgrave v. Lee* (L.R. 9 Q.B. 363), that the term "factory" did not include quarries and cement works respectively, in which the work as a whole was done in the open air. Quarries are now expressly included among non-textile factories and workshops (Sixth Schedule, Part II. (26)).

labour for the purpose of instructing the young person or child in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

150.—(1.) This Act applies to factories and workshops belonging to the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop (a) in respect of work which is being done on behalf of the Crown under a contract specified in the order.

Application to Crown factories and workshops.

(2.) A factory or workshop (b) belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3.) The powers (c) conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

151. The Secretary of State may by Special Order direct (d) with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

Power to treat separate branches as separate factories or workshops.

152.—(1.) A woman, young person, or child, who works (e) in a factory or workshop, whether for wages or not, (f) either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act. (g)

Definition of employment and working for hire.

(a) The power to exempt factories and workshops not belonging to the Crown, in which work is being done under a contract with the Crown, is new (1901).

(b) This subsection is new (1901). It is probably declaratory.

(c) This subsection is new (1901).

(d) For Orders made under this section, see Appendix of Orders hereafter.

(e) This includes the case of a young person oiling spindles in a mill for his own amusement (*Prior v. Sluithwaite*, 1898 1 Q.B. 881 : 67 L.J. Q.B. 310 : 78 L.T. 532 : 46 W.R. 488 : 62 J.P. 358), but not, according to a Scotch case (*Robinson v. Melville*, 1890 11 R. (J.C.) 62), the case of a woman working overtime of her own motive, without the knowledge of the occupier or of his forewoman, and contrary to the orders of the forewoman.

(f) These words cover the case of a child learning a manufacturing process or handicraft (*Beadon v. Parratt*, L.R. 6 Q.B. 718 : 40 L.J. M.C. 200 : 19 W.R. 1144).

(g) It was held in a Scotch case (*Graves v. Duncan*, 1899 1 F. (J.C.) 1053), that a manageress, at a fixed salary, receiving also a percentage of profits, who superintended the business generally, was "employed" by the proprietor of the business.

(2.) For the purposes of this Act an apprentice shall be deemed to work for hire.

Application of
Act to London.

153.—(1.) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire, the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894.

57 & 58 Vict.
c. ccciii.

(2.) In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire, the reference to a district council shall be construed as a reference to the London County Council.

(3.) The power (a) of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops whether exceeding sixty feet in height or not.

(4.) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the city of London, be construed as references to the court of common council and the city, and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.

Application of
Act to county
boroughs.

154. References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough.

Saving for exist-
ing powers of
district councils.

155. The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess.

General
definitions.

38 & 39 Vict.
c. 13.
"Child."

156.—(1.) In this Act unless the context otherwise requires,—

The expression "bank holiday" means a holiday under the Holidays Extension Act, 1875:

The expression "child" means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III.(b) of this Act:

"Machinery."

The expression "machinery" includes any driving strap or band

"Mill-gearing."

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process: (c)

(a) This subsection is new (1901). It makes it clear that the powers of the London County Council to make byelaws (under s. 15 as applied by s. 153 subs. (2)) are not limited to buildings over 60 feet in height.

(b) See s. 71.

(c) It was laid down in *Holmes v. Clarke* (6 H. & N. 349; 30 L.J. Ex. 135; 3 L.T. 675; 9 W.R. 419) that the expression "mill-gearing" includes every wheel except the operative wheel with which the manufacturing process is directly effected.

The expression "night" means the period between nine o'clock "Night."
in the evening and six o'clock in the succeeding morning:

The expression "owner" has the meaning given to it by section "Owner."
four of the Public Health Act, 1875:

The expression "parent" means a parent or guardian of, or "parent."
person having the legal custody of, or the control over, or
having direct benefit from the wages of, a young person or child:

The expression "prescribed" means prescribed for the time being "Prescribed."
by the Secretary of State:

The expression "process" includes the use of any locomotive: "Process."

The expression "Special Order" means an order which is subject "Special Order."
to the provisions of section one hundred and twenty-six of this
Act with regard to Special Orders of the Secretary of State:

The expression "week" means the period between midnight on "Week."
Saturday night and midnight on the succeeding Saturday
night:

The expression "woman" means a woman of the age of eighteen "Woman."
years and upwards:

The expression "young person" means a person who has ceased "Young person."
to be a child and is under the age of eighteen years:

(2.) For the purposes of this Act (a) employment shall be deemed
to be continuous unless interrupted by an interval of at least half
an hour.

(3.) The factories and workshops named in the Sixth Schedule
to this Act are in this Act referred to by the names therein assigned
to them.

(4.) References in this Act to regulations made under this Act
shall be construed as including references to special rules established
or requirements made under any previous Act.

157. The following provisions of this Act shall not apply to ^{Men's work-}
men's workshops, that is to say, workshops conducted on the system ^{shops.}
of not employing any woman, young person, or child therein:—

(1.) The sections in Part I. relating to temperature, thermo-
meters, means of ventilation, drainage of floors, sanitary
conveniences, opening of doors, power to make orders as to
dangerous machinery, and inquests;

(2.) Part II. and Part III.;

(3.) The sections in Part IV. relating to fans and to lavatories
and meals;

(4.) Part VII.;

(5.) The sections of Part VIII. relating to the affixing of
abstracts and notices, and the keeping of a general register,
and the first subsection of the section relating to periodical
returns.

158. Nothing in this Act shall extend to any young person being ^{Saving for young}
a mechanic, artizan, or labourer, working only in repairing either ^{persons employ-}
the machinery in or any part of a factory or workshop. ^{ed in repairs.}

(ii.) *Application of Act to Scotland and Ireland.*Application of
Act to Scotland.

159. In the application of this Act to Scotland—

- (1.) The expression “certified efficient school” means any public or other elementary school under Government inspection:
- (2.) The expression “district council” and the expression “district” used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897, and their district:
- (3.) The expression “medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1897:
- (4.) The expression “poor law medical officer” means the medical officer appointed by the parish council:
- (5.) The expression “court of summary jurisdiction” means the sheriff of the county:
- (6.) The expression “Board of Education” means the Scotch Education Department:
- (7.) The provisions of this Act relating to certificates of proficiency or of due attendance shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901,^(a) shall be deemed to be a young person for the purposes of this Act.
- (8.) The expression “county court” means the sheriff court:
- (9.) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution as the case may require.
- (10.) The expression “information” means petition or complaint:
- (11.) The expression “informant” means petitioner, pursuer, or complainer:
- (12.) The expression “defendant” means defender or respondent:
- (13.) The expression “clerk of the peace” means sheriff clerk:
- (14.) The expression “owner” has the meaning given to it by section three of the Public Health (Scotland) Act, 1897:
- (15.) The expression “inspector of nuisances” means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897:
- (16.) The expression “Births and Deaths Registration Acts, 1836 to 1874,” means the Acts relating to the registration of births, deaths, and marriages in Scotland:
- (17.) The expression “Public Health Act, 1875,” means the Public Health (Scotland) Act, 1897, and the Acts amending the same, and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as

60 & 61 Vict.
c. 38.

1 Edw. 7. c. 9.

60 & 61 Vict.
c. 38.

references to section sixteen and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897:

- (18.) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act 1897:
- (19.) The expression "Local Government Board" means the Local Government Board for Scotland:
- (20.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector.
- (21.) The court may make, and may alter or vary, summary orders under this Act on petition by the procurator fiscal or an inspector presented in common form:
- (22.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:
- (23.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that the prosecution is brought at the instance of that inspector:
- (24.) Every person convicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction:
- (25.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund:
- (26.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriff:
- (27.) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under any enactment amending that Act, or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

20 Geo. 2. c. 43.

38 & 39 Vict.
c. 62.

160. In the application of this Act to Ireland--

Application of
Act to Ireland.

- (1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:
- (2.) The expression "recognised efficient school" means a certified efficient school and any school which is recognised

for the time being by an inspector under this Act as giving efficient elementary education:

55 & 56 Vict.
c. 42.

(3.) In the provisions of this Act relating to certificates of birth the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority:

(4.) In the provisions of this Act relating to payment by occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant:

(5.) The expression "medical officer of health" includes a medical superintendent of health:

(6.) The expression "poor law medical officer" means the medical officer of a dispensary district:

(7.) Any act authorised to be done or consent required to be given by, or report required to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland:

6 & 7 Will. 4.
c. 13

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

(9.) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts:

14 & 15 Vict.
c. 80.

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same:

41 & 42 Vict.
c. 52.

(11.) The provisions of section one hundred and seven of the Public Health (Ireland) Act, 1878, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, or workplace:

(12.) The Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, shall apply to buildings in which persons are employed, whatever their number may be, in like manner, as they apply to buildings where more than twenty persons are employed:

41 & 42 Vict.
c. 52.

(13.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular sections

two, one hundred and seven, and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one, and one hundred and eighty-two to one hundred and eighty-six of the latter Act respectively :

- (14.) The expression "the Local Government Board" means the Local Government Board for Ireland :
- (15.) The expression "the Births and Deaths Registration Acts, 1836 to 1874," means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880 :
- (16.) All matters required by this Act to be published in the London Gazette shall, if they relate to Ireland, be published in the Dublin Gazette, either in addition or in substitution as the case may require.

(iii.) *Repeal, &c.*

161. The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned; Repeal of Acts.

Provided that—

- (1.) All notices affixed in a factory or workshop in pursuance of any enactment hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act; and
- (2.) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force; and
- (3.) All inspectors, sub-inspectors, certifying surgeons, officers, clerks, and servants, appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and
- (4.) All certificates of fitness for employment granted in pursuance of any enactment hereby repealed shall have effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until otherwise directed by the Secretary of State, be deemed to be the registers required by this Act.

162. This Act shall come into operation on the first day of Commencement
January one thousand nine hundred and two. of Act.

163. This Act may be cited as the Factory and Workshop Act, Short title.
1901.

SCHEDULES.

FIRST SCHEDULE.

Section 14.

PROVISIONS AS TO ARBITRATIONS.(a)

(1.) The parties to the arbitration are in this schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3.) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4.) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5.) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

(6.) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7.) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein after mentioned.

(a) These provisions apply in case of arbitration as to means of escape from fire under s. 14 subs. (3). There is now no arbitration with regard to Regulations for Dangerous Trades.

(10.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13.) The decision of every umpire on the matters referred to him shall be final.

(14.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15.) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(17.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under this Act.

SECOND SCHEDULE.

FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED.

Section 40.

(1.) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,—

(a.) Flax scutch mills; and

(b.) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

- (c.) The part of rope works in which is carried on the open-air process; and
- (d.) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and
- (e.) Any factory or workshop or part thereof in which is carried on gluemaking; and
- (2.) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year; namely,—

- (f.) Letter press printing works; and
- (g.) Bookbinding works; and

any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

- (h.) Lithographic printing; or
- (i.) Machine ruling; or
- (k.) Firewood cutting; or
- (l.) Bon-bon and Christmas present making; or
- (m.) Almanack making; or
- (n.) Valentine making; or
- (o.) Envelope making; or
- (p.) Aerated water making; or
- (q.) Playing card making; and

(3) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events; namely, any factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

- (r.) The making up of any article of wearing apparel; or
- (s.) The making up of furniture hangings; or
- (t.) Artificial flower making; or
- (u.) Fancy box-making; or
- (v.) Biscuit making; or
- (w.) Job dyeing; and

(4.) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used (a) for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

THIRD SCHEDULE.

Section 88.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

- (1.) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.
- (2.) Hand rails must be fixed over the drums and kept in proper repair.
- (3.) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4.) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed

(a) i.e., not used at any time during the day (*Smith v. Sibray*, 1903 2 K.B. 707 : 72 L.J. K.B. 822 : 89 L.T. 276 : 52 W.R. 218 : 67 J.P. 935).

and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5.) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding room or hull must be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, a grindstone must not be run before any fireplace or in front of another grindstone. (a)

(8.) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

FOURTH SCHEDULE.(b)

COTTON CLOTH FACTORIES.

Sections 90
92, 96.

TABLE.

MAXIMUM LIMITS OF HUMIDITY of the ATMOSPHERE at given TEMPERATURES.

I.	II.	III.	IV.
Grains of Vapour per Cubic Foot of Air.	Dry Bulb Thermometer Readings. Degrees Fahrenheit.	Wet Bulb Thermometer Readings. Degrees Fahrenheit.	Percentage of Humidity. (Saturation = 100.)
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86

(a) By an Order dated October 25, 1897 (St. R. & O. 1897, p. 122), a special exemption has been granted providing that this regulation shall not apply to the running of any grindstone in front of Bolster Stones used by table-blade grinders, and Humping and Shank Stones used by scissors grinders.

(b) For an Order modifying the provisions of this schedule in respect of factories where the spinning of merino, cashmere, and wool by the "French" or "dry" process is carried on, see Appendix of Orders hereafter.

Factory and Workshop Act, 1901.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation = 100.)
3.3	48	46	86
3.4	49	47	86
3.5	50	48	86
3.6	51	49	86
3.8	52	50	86
3.9	53	51	86
4.1	54	52	86
4.2	55	53	87
4.4	56	54	87
4.5	57	55	87
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.1	71	68.5	85.5
7.1	72	69	84
7.4	73	70	84
7.4	74	70.5	81.5
7.65	75	71.5	81.5
7.7	76	72	79
8.0	77	73	79
8.0	78	73.5	77
8.25	79	74.5	77.5
8.55	80	75.5	77.5
8.6	81	76	76
8.65	82	76.5	74
8.85	83	77.5	74
8.9	84	78	72
9.2	85	79	72
9.5	86	80	72
9.55	87	80.5	71
9.9	88	81.5	71
10.25	89	82.5	71
10.3	90	83	69
10.35	91	83.5	68
10.7	92	84.5	68
11.0	93	85.5	68
11.1	94	86	66
11.5	95	87	66
11.8	96	88	66
11.9	97	88.5	65.5
12.0	98	89	64
12.3	99	90	64
12.7	100	91	64

FORM OF RECORD.

FORM for recording the READINGS of the THERMOMETERS.

Name of Occupier

Address of Factory

Room { Number or Designation

Process carried on

Number of Operatives

Cubic contents..... cubic feet.

Date.		Readings of Thermometers in Degrees Fahrenheit.						If no artificial humidity is produced in the 24 hours in- sert in this column "None."
Year.....	Month and Day.	Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.		
		Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
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	14							
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	20							
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							
	30							
	31							

(Signed)

Occupier or Manager.

FIFTH SCHEDULE.

Section 124.

FEES OF CERTIFYING SURGEONS.

PART I.

FEES ON EXAMINATION FOR CERTIFICATES OF FITNESS FOR EMPLOYMENT.

	2s. 6d. for each visit, and 6d. for each person after the first five examined at that visit; and also if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half mile over and above the mile.
When the examination is at the factory or workshop - - -	
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner - -	6d. for each person examined.

PART II.

FEES ON EXAMINATION by direction of SECRETARY OF STATE or in pursuance of REGULATIONS under this ACT.

under 10 - -	2s. 6d. per visit.
, 20 - -	3s. „
, 30 - -	3s. 6d. „
, 50 - -	4s. „
, 75 - -	4s. 6d. „
, 100 - -	5s. „
over 100 - -	7s. 6d. „

With the addition of 1s. for every mile or part of a mile in excess of one mile from the surgeon's residence.

SIXTH SCHEDULE.

Sections 54, 149,
156.

LIST OF FACTORIES AND WORKSHOPS.

PART I.

NON-TEXTILE FACTORIES.

“Print works.” (1.) “Print works,” that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;(a)

"Bleaching and dyeing works."

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles ;

"Earthenware works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

"Lucifer-match works."

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

"Percussion-cap works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

"Cartridge works."

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

"Paper-staining works."

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

"Fustian-cutting works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

"Blast furnaces."

(10.) "Copper mills" ;

"Copper mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

"Iron mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

"Foundries."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for

"Metal and india-rubber works."

(a) For the history of this definition, see *Howarth v. Coles* (12 C.B. N.S. 139 : 31 L.J. C.P. 262), and the statutes 26 & 27 Vict. c. 38. and 27 & 28 Vict. c. 98. The definition applies to premises where the only processes carried on are hooking, lapping, making up, and packing cloth, those processes not being incidental to bleaching or dyeing (*Rogers v. Manchester Packing Co.*, 1898 1 Q.B. 344 : 67 L.J. Q.B. 310 : 78 L.T. 17 : 46 W.R. 350 : 62 J.P. 166).

moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

- "Paper mills." (14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on ;
- "Glass works." (15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on ;
- "Tobacco factories." (16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;
- "Letter-press printing works." (17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on ;
- "Bookbinding works." (18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;
- "Flax scutch mills." (19.) "Flax scutch mills" ;
- "Electrical stations." (20.) "Electrical stations," (a) that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, (b) or of any hotel, or of any railway, mine, or other industrial undertaking.

PART II.

NON-TEXTILE FACTORIES AND WORKSHOPS.

- "Hat works." (21.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;
- "Rope works." (22.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;
- "Bakehouses." (23.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;
- "Lace warehouses." (24.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

(a) The inclusion of electrical stations is new (1901).

(b) The expression "public building" includes a workhouse (*Mile End Guardians v. Hoare*, 1903 2 K.B. 483 ; 72 L.J. K.B. 651 ; 89 L.T. 276 ; 67 T.P. 395).

(25.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation, are made, finished, or repaired; (a) "Shipbuilding yards."

(26.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites or other minerals; (b) "Quarries."

(27.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1837, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts. 50 & 51 Vict. c. 58. 35 & 36 Vict. c. 77.

(28.) Dry cleaning, carpet beating, and bottle washing works. (c)

SEVENTH SCHEDULE.

Section 161.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	The whole Act except section twelve, subsection three of section twenty-four, and section twenty-eight.
60 & 61 Vict. c. 58.	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900.	In subsection three of section thirteen the words "factory workshop or" wherever they occur, and the words "the occupier of the factory or workshop or."

(a) A dock is not a shipbuilding yard within this definition merely because a ship is being repaired there (*Spencer v. Livett*, 1900 1 Q.B. 498; 69 L.J. Q.B. 338; 82 L.T. 75; 48 W.R. 323; 64 J.P. 196). In *Palmer's Shipbuilding Co. v. Chaytor* (L.R. 4 Q.B. 209) the court doubted whether a ship was an "article," so as to come under a general definition corresponding to that in s. 149. The express inclusion of shipbuilding yards among non-textile factories prevents the question from arising now.

(b) In *Kent v. Astley* (L.R. 5 Q.B. 19) it was decided that quarries, in which the work as a whole was carried on in the open air, were not factories. That decision is now overruled by the express inclusion of quarries among non-textile factories.

(c) The expression "bottle washing works" does not include a cellar primarily used for storage, where incidentally bottles are washed by means of revolving brushes worked by water power from a tap (*Kavanagh v. Caledonian Railway*, 5F. 1128).

PART II.

ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY ORDER OF THE
SECRETARY OF STATE.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	Sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	Section twelve. Subsection three of section twenty-four. Section twenty-eight.

FACTORY AND WORKSHOP ACT, 1891.

[54 & 55 VICT. CH. 75.]

Special Rules and Requirements.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

8.—(1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be

referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisitor shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

9.—(1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or noncompliance.

Penalty for contravention of special rules or requirement.

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

10.—(1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

Amendment of special rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Certified copies of special rules to be evidence.

FIRST SCHEDULE.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance

the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under the principal Act.



FACTORY AND WORKSHOP ACT, 1895.

[58 & 59 VICT. CH. 37.]

Representation
of workmen on
arbitration as to
special rules.

12. When any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

24.—(3.) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

Special Restrictions as to Employment.

Power to pro-
hibit or restrict
employment in
dangerous trade.

28.—(1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.



SHOP HOURS ACT, 1892.

[55 & 56 VICT. CH. 62.]

AN Act to amend the Law relating to the Employment of Young Persons in Shops. [28th June 1892.]

1. This Act may be cited as the Shop Hours Act, 1892. Short title.
 2. This Act shall come into operation on the first day of September one thousand eight hundred and ninety-two. Commencement of Act.
 - 3.—(1.) No young person shall be employed in or about a shop (a) for a longer period than seventy-four hours, including meal times, in any one week. Hours of employment in shops.
 - (2.) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878, for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours. (b) 41 & 42 Vict. c. 16.
 4. In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop. (c) Notice of hours to be given.
 5. Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed. Fine for employing persons contrary to the Act.
 6. Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine. Power of occupier to exempt himself from fine on conviction of actual offender.
- (a) These words include employment away from the shop on the business of the shop (*Collman v. Roberts*, 1896 1 Q.B. 457; 65 L.J. M.C. 63; 74 L.T. 198; 44 W.R. 445; 60 J.P. 184). See also *W. H. Smith & Son v. Kyle* (18 T.L.R. 32).
- (b) For a further provision relating to employment on the same day in a factory or workshop, and in a shop, see 1895 s. 16 subs. (4).
- (c) The penalty for a breach of this section is a fine not exceeding 40s. (Shop Hours Act 1895 s. 1).

Summary
proceedings.

7. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act,^(a) and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

Appointment of
inspectors.

8. The council of any county or borough,^(b) and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions,^(c) and sections sixty-eight and seventy of the Factory and Workshop Act, 1878,^(d) shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

Interpretation.

9. In this Act, unless the context otherwise requires—

“Shop” means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind;^(e)

“Young person” means a person under the age of eighteen years;

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878.

41 & 42 Vict.
c. 16.

Exemption of
members of the
same family, and
servants.

10. Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.^(f)

(a) These sections relate to legal proceedings.

(b) For the meaning of these words in application to Scotland, see 56 & 57 Vict. c. 67, s. 3 (p. 219 below).

(c) For payment of salaries and expenses, see 56 & 57 Vict. c. 67, s. 2 (printed below).

(d) Sections 119 & 121 of the Act of 1901 must now be substituted for these sections, in accordance with the rule laid down in s. 38 subs. (1) of the Interpretation Act, 1889.

(e) This definition includes a building used solely as a hotel and restaurant (*Savoy Hotel Co. v. London County Council*, 1900 1 Q.B. 655; 69 L.J. Q.B. 274; 82 L.T. 56; 48 W.R. 351; 64 J.P. 262). For the purposes of s. 4 it was held not to include a temporary stall composed of a board laid across two trestles (*W. H. Smith & Son v. Kyle*, 18 T.L.R. 32).

(f) This exemption was held by the magistrate not to include a page-boy in a hotel, who sleeps on the premises, helps to dust the rooms, and is principally employed as a messenger. The magistrate's decision was upheld by the Divisional Court (*Savoy Hotel Co. v. London County Council*, *supra*).

SHOP HOURS ACT, 1893.

[56 & 57 VICT. CH. 67.]

AN Act to amend the Shop Hours Act, 1892.

[21st December 1893.]

1. This Act may be cited as the Shop Hours Act, 1893. and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893. Sicor: titles.

2.—(1.) Any salaries payable or other expenses incurred by the council of a county or a borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate. Salaries and expenses.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

3. In the application to Scotland of the Shop Hours Act, 1892, and of this Act,— Definitions.

- The expression “council of a county or a borough” means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions “county fund” shall mean the general purposes rate, and “borough fund or borough rate” shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

SHOP HOURS ACT, 1895.

[58 VICT. CH. 5.]

AN ACT to amend the Shop Hours Act, 1892. [9th April 1895.]

Penalty on failure to comply with 55 & 56 Vict. c. 62. s. 4.

1. If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding forty shillings.

Short title and construction.

2. This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and the Shop Hours Acts, 1892 and 1893, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895.

SEATS FOR SHOP ASSISTANTS ACT, 1899.

[62 & 63 VICT. CH. 21.]

AN ACT to provide for Seats being supplied for the use of Shop Assistants. [9th August 1899.]

Seats to be provided in shops, &c.

1. In all rooms of a shop, or other premises where goods are actually retailed to the public, and where female assistants are employed for the retailing of goods to the public, the employer carrying on business in such premises shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female assistants employed in each room.

Penalty.

2. Any person failing to comply with the provisions of this Act shall be liable, on summary conviction, for a first offence to a fine not exceeding three pounds, and for a second or subsequent offence to a fine not less than one pound and not exceeding five pounds.

Commencement of Act.

3. This Act shall come into force on the first day of January one thousand nine hundred.

Construction and short title.

4. This Act shall be read and construed as one with the Shop Hours Acts, 1892 to 1895, and may be cited separately as the Seats for Shop Assistants Act, 1899.

SHOP HOURS ACT, 1904.

[4 Edw. 7. CH. 31.]

AN ACT to provide for the Early Closing of Shops.

[15th August 1904.]

1. An order (in this Act referred to as "a closing order") made by a local authority, and confirmed by the central authority, in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers. Closing order.

2.—(1) The hour fixed by a closing order (in this Act referred to as "the closing hour") shall not be earlier than seven o'clock in the evening on any day of the week, except that on one specified day in the week it may be an hour not earlier than one o'clock in the afternoon. Contents and effect of order.

(2) A closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop, within the area to which the order applies, for the carrying on of which it would be unlawful to keep a shop open after that hour.

(3) The order may—

(a) define the shops and trades to which the order applies; and

(b) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order; and

(c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any fair lawfully held or a bazaar for charitable purposes, nor to any shop where the only trade or business carried on is one or more of the trades or businesses mentioned in the Schedule to this Act.

(5) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop the closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order :

Provided that the terms and conditions as respects post office business shall be subject to the approval of the Postmaster-General.

3.—(1) Whenever a local authority are satisfied that a *prima facie* case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which Procedure for making orders.

objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the central authority, and the central authority shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the central authority have confirmed any order, the order shall become final and have the effect of an Act of Parliament:

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

Revocation of order.

4. The central authority may at any time on the application of the local authority revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the central authority to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

Penalties for offences.

5. If any person contravenes the provisions of a closing order he shall be liable, on conviction under the Summary Jurisdiction Acts, to a fine not exceeding in the case of a first offence one pound, in the case of a second offence five pounds, and in the case of a third or subsequent offence twenty pounds:

Provided that nothing in this Act or in any order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

Local inquiries.

6. The central authority may for the purposes of any of their powers and duties under this Act cause a local inquiry to be held, and the costs incurred in relation to any such inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the central authority may certify the amount of the costs

incurred. Any sums so certified shall be a debt to the Crown from the local authority.

7. The central authority may make regulations -

Regulations.

- (a) for prescribing anything which under this Act is to be prescribed; and
- (b) as to the mode of ascertaining the opinion of occupiers of shops; and
- (c) as to conduct of local inquiries and matters incidental thereto; and
- (d) as to the procedure for obtaining the revocation of a closing order; and
- (e) generally for carrying into effect the provisions of this Act.

8.—(1) In this Act the expression “local authority” in London outside the city means a metropolitan borough council, and elsewhere means the council of an urban district with a population according to the census of one thousand nine hundred and one of over twenty thousand and any council or other authority having power to appoint inspectors under the Shop Hours Acts, 1892 to 1895, and the provisions of those Acts relating to offences and proceedings, the appointment, powers and salaries of inspectors, and the expenses of local authorities, shall apply as if they were herein re-enacted and in terms made applicable to this Act, and as if references to the occupier of a shop were substituted for references to the employer of a young person. Definitions.

(2) Any expenses incurred by a metropolitan borough council under this Act shall be defrayed as part of the expenses of the council, and the expenses of an urban district council shall be defrayed as part of the general expenses incurred in the execution of the Public Health Acts.

(3) In this Act, unless the context otherwise requires—

The expression “shop” includes any premises or place where retail trade (including the business of a barber) is carried on:
The expression “central authority” means in England a Secretary of State, in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant.

9. Where an order under this Act is in force in any metropolitan borough or urban district, the council of the county in which the borough or district is situate may delegate to the council of the borough or district, either with or without any restrictions or conditions as they think fit, their powers under the Shop Hours Acts, 1892 to 1895.

Power of county councils to delegate powers under the Shop Hours Acts 1892 to 1895.

10. This Act may be cited as the Shop Hours Act, 1904, and the Shop Hours Acts 1892 to 1895, and the Seats for Shop Assistants Act, 1899, and this Act, may be cited together as the Shops Regulation Acts, 1892 to 1904. Short title.

SCHEDULE.

Post Office business.

The sale of medicines and medical and surgical appliances.

The sale by retail of intoxicating liquors for consumption on or off the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco and other smokers' requisites.

The sale of newspapers.

The business carried on at a railway bookstall or at a railway refreshment room.

SHOP CLUBS ACT, 1902.

[2 EDW. 7. CH. 21.]

[8th August 1902.]

Membership of friendly society, &c., not to be condition of employment.

1. It shall be an offence under this Act if an employer shall make it a condition of employment—

- (a) That any workman shall discontinue his membership of any friendly society; or
- (b) That any workman shall not become a member of any friendly society other than the shop club or thrift fund.

Employer not to require workman to join shop club, &c. 59 & 60 Vict. c. 25.

2. It shall be an offence under this Act if an employer shall make it a condition of employment that any workman shall join a shop club or thrift fund, unless the shop club or thrift fund is registered under the Friendly Societies Act, 1896, subject to the provisions of this Act, and certified under this Act by the Registrar of Friendly Societies.

No shop club or thrift fund shall be so certified unless the Registrar of Friendly Societies is satisfied:—

- (a) That the shop club or thrift fund is one that affords to the workman benefits of a substantial kind in the form of contributions or benefits at the cost of the employer in addition to those provided by the contributions of the workman.
- (b) That the shop club or thrift fund is of a permanent character, and is not a society that annually or periodically divides its funds, and that no member of such shop club or thrift fund shall, except in accordance with the provisions of section six of this Act, be required to cease his membership in such shop club or thrift fund upon leaving the firm with which such club or fund is connected.

Before so certifying any shop club or thrift fund, the Registrar shall take steps to ascertain the views of the workmen, and shall be satisfied that at least seventy five per cent. of the workmen desire the establishment of such shop club or thrift fund, and further shall consider any objections that they may make to the certification.

3. The regulations contained in the schedule of this Act shall Regulations.
apply to any shop club or thrift fund certified under this Act.

4. Every person who commits an offence within the meaning of Penalty
this Act shall be liable on summary conviction to a fine not exceeding five pounds, and, in the case of a second or subsequent conviction within one year of a previous conviction, to a fine not exceeding twenty pounds:

Provided that, where an offence is committed in respect of several persons at the same time, the offender shall not be convicted of more than one offence.

5. Nothing in this Act shall prohibit compulsory membership of Exemption of
any superannuation fund, insurance, or other society, already exist- railways.
ing for the benefit of the persons employed by any railway company, to the funds of which such company contributes.

6. In any case where a workman, by the conditions of his employ- Compensation to
ment, is a member of a shop club, he shall, upon his dismissal from, workman
or upon leaving, his employment, unless contrary to the rules of ceasing to be
the club, have the option of remaining a member or of having member of shop
returned to him the amount of his share of the funds of the club, club.
to be ascertained by actuarial calculation: Provided that every
such member who shall exercise the option to remain a member of
the club shall not, so long as he remains out of such employment,
be entitled to take any part in the management of the club, or to
vote in respect thereof.

7. In this Act—

Definitions.

The term “friendly society” means a friendly society registered under the Friendly Societies Act, 1896, and includes a registered branch, and in application to Scotland and Ireland the word “registrar” means the registrar as defined in that Act:

The expression “shop club” or “thrift fund” means every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop, or warehouse.

8. This Act shall come into operation on the first day of January Date of Act.
onethousand nine hundred and three.

9. This Act may be cited as the Shop Clubs Act, 1902.

SCHEDULE.

REGULATIONS AS TO CERTIFICATION UNDER THIS ACT.

Section 3.

The rules of a shop club or thrift fund (herein-after termed "the society") shall provide for the following matters:—

- i. The name and place of office of the society.
- ii. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.
- iii. The mode of holding meetings and right of voting, and the manner of making, altering, and rescinding rules.
- iv. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees.
- v. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.
- vi. Annual returns to the registrar of the receipts, funds, effects, and expenditure, and numbers of members of the society.
- vii. The inspection of the books of the society by every person having an interest in the funds of the society.
- viii. The manner in which disputes shall be settled.
- ix. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.
- x. A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.
- xi. The voluntary dissolution of the society by consent of not less than five-sixths in value of the persons contributing to the funds of the society, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.
- xii. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or, in any case of societies registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, for an investigation of the affairs of the society, or for winding up the same.



THE TRUCK ACT, 1831.

[1 & 2 WM. 4. CH. 37.]

AN Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm.

[15th October 1831.]

WHEREAS it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm, be it therefore enacted that in all contracts hereafter to be made for the hiring of any artificer [*in any of the trades herein-after enumerated*], (a) or for the performance by any artificer of any labour [*in any of the said trades*], the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, (b) null, and void.

Contracts for the hiring of artificers must be made in the current coin of the realm;

2. If in any contract hereafter to be made between any artificer [*in any of the trades herein-after enumerated*], and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void. (c)

and must not contain any stipulations as to the manner in which the wages shall be expended.

3. The entire amount of the wages earned by or payable to any artificer [*in any of the trades herein-after enumerated*], in respect of any labour by him done [*in any such trade*], shall be actually paid to such artificer (d) in the current coin of this realm, and not

All wages must be paid to the workman in coin.

(a) These words are now repealed (54 & 55 Vict. c. 67). The limitation of the operation of the Act to persons employed in the trades and occupations specified in s. 19 is now abolished, and the Act applies to all workmen as defined in s. 10 of the Employers and Workmen Act, 1875 (see s. 2 of the Truck Act, 1887, and note (a) thereon).

(b) For the penalty for entering into a contract declared by s. 1 or s. 2 to be illegal, see s. 9 of this Act.

(c) In the case of *Hewlett v. Allen* (1894 A.C. 383; 63 L.J. Q.B. 608; 71 L.T. 94; 58 J.P. 700) it was decided in the Court of Appeal that a contract by which the person employed undertook to be a member of a sick and accident club, to which weekly payments were made, with no express stipulation that the payments should be made out of wages, was a contract prohibited by this section (see 1892 2 Q.B. 662). This view was doubted in the House of Lords, on the ground that such payments were not of the kind contemplated by this section, and also on the ground that it was not expressly agreed that the payments should come out of wages. What the House of Lords actually decided was that, if the payments are in fact made with the consent of the person employed, they cannot be recovered back. (Cf. *Ex parte Cooper*, 26 Ch. D. 693; 51 L.T. 374.)

(d) Money paid by the direction of the person employed is money paid to him within the meaning of this section (*Hewlett v. Allen*, above).

Payment in
goods declared
illegal.

otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as herein-after mentioned, shall be and is hereby declared illegal. (a) null, and void. (b)

Artificers may
recover wages, if
not paid in the
current coin.

4. Every artificer [in any of the trades herein-after enumerated] shall be entitled to recover from his employer [in any such trade], in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.

(a) For the penalty for making a payment declared by this section to be illegal, see s. 9 of this Act.

(b) The following modes of payment by means of goods have been held to be prohibited by this section: giving a note for goods (*Athersmith v. Drury*, 1 E. & B. 46: 28 L.J. M.C. 5: 5 Jur. N.S. 434); supplying goods, for which a corresponding amount is deducted from the wages at the next settling day (*Wilson v. Cookson*, *Fisher v. Jones*, 13 C.B. N.S. 496: 32 L.J. M.C. 177: 8 L.T. 53: 9 Jur. N.S. 177: 11 W.R. 426); supplying goods, advancing money for payment, and afterwards deducting from wages the amount advanced (*Gould v. Haynes*, 59 L.J. M.C. 9: 61 L.T. 732: 54 J.P. 405); delivery to the workman of goods damaged by him, in place of wages equal to the value of the goods when undamaged (*Smith v. Walton*, 3 C.P.D. 109: 47 L.J. M.C. 45: 42 J.P. 280). The subsequent payment of the wages in cash is no answer to a charge of illegal payment under this section (*Fisher v. Jones*, above). This section applies to improper payment, not to mere non-payment, and does not prohibit deductions as such (*Williams v. North's Navigation* 1904 2 K.B. 44: 73 L.J. K.B. 575: 91 L.T. 3: 52 W.R. 564: 68 J.P. 371). Thus deductions have been held to be not illegal under this Act in respect of fixed charges for standing room, winding room, use of machines, and the like matters (*Chawner v. Cummings*, 8 Q.B. 311: 15 L.J. Q.B. 161: 10 Jur. 454). In *Archer v. James* (2 B. & S. 61: 31 L.J. Q.B. 153: 8 Jur. N.S. 166: 6 L.T. 167: 10 W.R. 489) the court was equally divided on this point, and the decision in *Chawner v. Cummings* was upheld. *Archer v. James* also applied the same principle to fixed fines for the non-use of machines. In *Redgrave v. Kelly* (37 W.R. 543: 54 J.P. 70) it was decided that the deduction from wages of fines for spoilt work and for impudence is not illegal. So with regard to a debt which gives rise to a right of set-off (*Williams v. North's Navigation*, *supra*). See also *Beetham v. Crewdson* (55 J.P. 55). But where goods or some benefit or advantage are supplied to a workman in place of wages, this is a payment otherwise than by wages, and consequently deductions from wages on this ground are illegal, unless authorised by s. 23 or s. 24 of this Act (*Pillar v. Llynvi Coal Co.*, L.R. 4 C.P. 752: 38 L.J. C.P. 294: *Ex parte Cooper*, 26 Ch. D. 693). In such cases it is the improper payment, rather than the mere deduction, that is unlawful; and this qualification must probably be applied to the dictum in *Lamb v. The Great Northern Railway Co.*, 1891 2 Q.B. 281: 60 L.J. Q.B. 489: 65 L.T. 225: 39 W.R. 475: 56 J.P. 22, that all drawbacks are illegal. Where at the time of payment of wages an employer received back from his workmen 2d. in the £ on the wages paid to each workman, to provide premiums for his own insurance under the Workmen's Compensation Act, it was held that there was no breach of this section (*Orner v. Hooper*, 89 L.T. 130: 67 J.P. 406). It appears that in this case there might have been a remedy under s. 3 of the Truck Act, 1896. In *Glasgow v. Independent Printing Co.* (1901 2 Ir. Rep. 278) it was held that an agreement by a company to pay a workman 22s. per week, of which 2s. per week was to be satisfied by shares in the company, was void under this section, and that the deficiency could be recovered by the workman.

5.(a) In any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour [*in any of the trades herein-after enumerated*], the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

In an action brought for wages no set-off shall be allowed for goods supplied by the employer, or by any shop in which the employer is interested.

6. No employer of any artificer [*in any of the trades herein-after enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

7. If any such artificer as aforesaid, or his wife or widow, or if any child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done [*in any of the said trades*], which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor(b) in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose; and the amount of the wages which may be so recovered shall be applied in re-imbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

If the artificer or his wife or children become chargeable to the parish the overseers may recover any wages earned within the three preceding months, and not paid in cash.

8. Nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any such artificer as aforesaid, of the whole or any part of his wages, either in the notes of the governor and company of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes

Not to invalidate the payment of wages in bank notes if artificer consents.

(a) The combined effect of ss. 5 and 6 is extended by s. 5 of the Truck Act, 1887.

(b) The overseers' powers under this section are now conferred on the guardians in England, and the inspectors of the poor in Scotland (Truck Act, 1887, s. 16).

in pursuance of the laws relating to His Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

Penalties on employers entering into contracts hereby declared illegal.

9. Any employer of any artificer [*in any of the trades herein-after enumerated*], who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, (a) shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*], (b) and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

Proviso.

10. (c) Provided always, that no person shall be punished as for a second offence under this Act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction (d) by such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened between the conviction of such person for the second and the conviction (d) by such person of the third offence; but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence; and that the fourth or any subsequent offence which may be committed by any such person against this Act shall be inquired of, tried, and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous

(a) For illegal contracts, *see* ss. 1 and 2 above, and for illegal payments, *see* s. 3 above.

(b) These words, providing for a minimum fine for the first offence, are now repealed (47 & 48 Vict. c. 43.).

(c) The first part of this section, relating to Recovery of Penalties, which is omitted above, is now repealed (Truck Act 1887 schedule), and s. 13 of the Truck Act 1887 is substituted. The Acts are now enforced by Factory Inspectors and Inspectors of Mines (Truck Act 1887 s. 13).

(d) The word "conviction" appears in the Collection of the Public General Statutes for 1831 printed by the King's Printers. It appears to be a mistake for "commission."

conviction or convictions as aforesaid, (a) any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence.

[11 and 12, relating to procedure, are repealed by the schedule of 50 & 51 Vict. c. 46.]

13. No person shall be liable to be convicted of any offence against this Act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid, under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the nonpayment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners, shall be deemed to be a sufficient service upon all.

A partner not to be liable in person for the offence of his copartner, but the partnership property to be so liable.

14. In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

How summonses are to be served.

[15 and 16, relating to procedure, are repealed by the schedule of 50 & 51 Vict. c. 46.]

17. No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of His Majesty's superior courts of record; [and no warrant of distress, or of commitments in default of sufficient distress, shall

Convictions to be quashed for want of form.

(a) The evidence referred to is that required in the repealed part of this section, namely, a certificate of the conviction signed by the officer having the custody of the record of the conviction.

be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.](a)

[18. *Application of Penalties, repealed by 50 & 51 Vict. c. 46. schedule.*]

Specification of
the trades to
which the Act is
to apply.

[19. *Nothing herein contained shall extend to any artificer, workman, or labourer, or other person engaged or employed in any manufacture, trade, or occupation, excepting only artificers, workmen, labourers, and other persons employed in the several manufactures, trades, and occupations following; (that is to say,) in or about the making, casting, converting, or manufacturing of iron or steel, or any parts, branches, or processes thereof; or in or about the working or getting of any mines of coal, ironstone, limestone, salt rock; or in or about the working or getting of stone, slate, or clay; or in the making or preparing of salt, bricks, tiles, or quarries; or in or about the making or manufacturing of any kinds of nails, chains, rivets, anvils, rices, spades, shovels, screws, keys, locks, bolts, hinges, or any other articles or hardwares made of iron or steel, or of iron and steel combined, or of any plated articles of cutlery, or of any goods or wares made of brass, tin, lead, pewter, or other metal, or of any japanned goods or wares whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, reeling, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any kinds of woollen, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk manufactures whatsoever, or in or about any manufactures whatsoever made of the said last-mentioned materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any glass, porcelain, china, or earthenware whatsoever, or any parts, branches, or processes thereof, or any materials used in any of such last-mentioned trades or employments; or in or about the making or preparing of bone, thread, silk, or cotton lace, or of lace made of any mixed materials.](b)*

Domestics.

20. *Nothing herein contained shall extend to any domestic servant [or servant in husbandry].(c)*

[21 and 22, *relating to Disqualification of Justices, are repealed by 50 & 51 Vict. c. 46. schedule.](d)*

(a) These words are repealed, except as to Ireland, by 54 & 55 Vict. c. 67. See now 42 & 43 Vict. c. 49, s. 39, subs. (4).

(b) This section is now repealed (Truck Act 1887 schedule). For the present operation of these Acts, see s. 2 of the Truck Act 1887.

(c) These words are repealed by the schedule of the Truck Act 1837. For special provisions affecting servants in husbandry, see s. 4 of the Truck Act 1887.

(d) For the present disqualification to act as justice under these Acts, see s. 15 of the Truck Act 1887.

23. Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply(a) to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent; or for or in respect of any such medicine or medical attendance; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.(b)

Particular exceptions to the generality of the law.

24. Nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificers for the education of any such child or children of such artificer [*and unless the agreement or contract for such deduction shall be in writing, and signed by such artificer*].(c)

Employers may advance money to artificers for certain purposes.

25. In the meaning and for the purposes of this Act [*all workmen, labourers, and other persons in any manner engaged in the*

Definition of terms.

(a) "Supply" refers to a sale out and out, and not to a mere hiring of tools, &c. (*Cutts v. Ward*, L.R. 2 Q.B. 357: 8 B. & S. 277: 36 L.J. Q.B. 161: 15 L.F. 614).

(b) The contract need not specify the amount to be deducted in respect of each thing supplied (*Cutts v. Ward*, above). A deduction under this section where there is no agreement in writing is illegal (*Pillar v. The Llynvi Coal and Iron Co.*, L.R. 4 C.P. 752: 38 L.J. C.P. 294).

(c) These words, the meaning of which was not very clear, are now repealed (Truck Act 1887 schedule).

performance of any work, employment, or operation, of what nature soever, in or about the several trades and occupations aforesaid, shall be and be deemed "artificers : " and that within the meaning and for the purposes aforesaid],(a) all masters, bailiffs, foremen, managers, clerks, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers, shall be and be deemed to be "employers ; " and that within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the "wages" of such labour; and that within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral,(b) whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

Commencement
of Act.

26. This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

To extend over
Great Britain.

27. The provisions of this Act shall extend over the whole of that part of the United Kingdom of Great Britain and Ireland called Great Britain.(c)

(a) These words are now repealed (Truck Act 1887 schedule). For the meaning of "artificer" in these Acts, see Truck Act 1887 s. 2.

(b) Evidence of an oral agreement to pay wages otherwise than in coin is admissible, although there is a written contract as to wages (*Jones v. Wasley*, 18 T.L.R. 418).

(c) This Act and the Truck Act 1887 now apply to Ireland also.



THE TRUCK ACT, 1887.

[50 & 51 VICT. CH. 46.]

An Act to amend and extend the Law relating to Truck.

[16th September 1887.]

1. This Act may be cited as the Truck Amendment Act, 1887. Short title. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled "An Act 1 & 2 Will. 4. c. 37. " to prohibit the payment in certain trades of wages in goods or " otherwise than in the current coin of the realm " (in this Act referred to as the principal Act), may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

2. The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section 10.(a) and the expression " artificer " in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed. Application of principal Act to workman as defined by 38 & 39 Vict. c. 90.

3. Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge. Advance of wages.

4. Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, Saving for servant in husbandry.

(a) The definition referred to is as follows :—" The expression ' workman ' " does not include a domestic or menial servant, but, save as aforesaid, means " any person who, being a labourer, servant in husbandry, journeyman, " artificer, handicraftsman, miner, or otherwise engaged in manual labour, " whether under the age of 21 years or above that age, has entered into or " works under a contract with an employer, whether the contract be made " before or after the passing of this Act, be express or implied, oral or in " writing, and be a contract of service or a contract personally to execute any " work or labour " (38 & 39 Vict. c. 90. s. 10). The cases decided under the Act of 1831 with regard to the meaning of " artificer " may still be useful. The question was frequently raised whether the Act covered " butty-men " or similar contractors, who were employed to do work on the understanding that they were to employ others. It was held that the Act did not apply to such contractors unless they undertook to give their own personal services as workmen, not, that is, if they were mere contractors employing others. See *Ingram v. Barnes*, 7 E. & B. 115, 132 : 26 L.J. Q.B. 82, 319 : *Sleeman v. Barrett*, 2 H. & C. 934 : 33 L.J. Ex. 153; and cases there referred to. A sempstress who works at a sewing machine and irons the materials sewn is a workman within the meaning of the above section (*Maynard v. Peter Robinson*, 89 L.T. 136).

drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services.

Order for goods as a deduction from wages illegal.

5.(a) In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

No contracts with workman as to spending wages at any particular shop, &c.

6.(b) No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

Deduction for education.

7. Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any state-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

In this section "state-inspected school" means any elementary school inspected under the direction of the Education Department in England or Scotland or of the Board of National Education in Ireland.

Deduction for sharpening tools &c.

8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

(a) This section extends the provisions of ss. 5 and 6 of the Truck Act 1831.

(b) This section is controlled by s. 23 of the Truck Act 1831, so that an agreement in writing for deducting from wages a subscription to a sick and funeral allowance fund is not illegal, and the amount of the deduction cannot be recovered (*Lamb v The Great Northern Railway Co.*, 1891 2 Q.B. 281 : 60 L.J. Q.B. 489 : 65 L.T. 225 : 39 W.R. 475 : 56 J.P. 22).

9. Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

Audit of deductions.

10. Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

Articles to be paid in cash and not by way of barter for articles made by him.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

Offences.

12.—(1.) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.

(2.) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has

been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.(a)

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer has used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

Recovery of penalties.

13.—(1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4.) In Scotland—

(a.) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

Definitions.

14. In this Act, unless the context otherwise requires,—

The expression "Summary Jurisdiction Acts" means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879; and, as respects Scotland,

(a) Compare s. 87 of the Factory Act 1878.

means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same:

Other expressions have the same meaning as in the principal Act.

15. So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed. Disqualification of justice.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor^(a) shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor. Amendment of 1 & 2 Will. 4. c. 37. as to overseers.

17. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof. Repeal.

18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions: Application of Acts to Ireland.

- (1.) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;
- (2.) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

(a) This refers to the power of the overseers, if a workman becomes chargeable to the parish, to sue for wages earned by him within 3 months and not paid in current coin (Truck Act 1831 s. 7).

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1. c. 34.	- An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies section three.
22 Geo. 2. c. 27.	- An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.
30 Geo. 2. c. 12.	- An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
5 Geo. 3. c. 115.	- An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3. c. 122.	- An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4. c. 37.	- An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.



THE TRUCK ACT, 1896.
[59 & 60 VICT. CH. 44.]

An Act to amend the Truck Acts. [14th August 1896.]

1.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine, unless—

Deductions or
payments in
respect of fines.

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and
- (b) the contract specifies the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount may be ascertained; and
- (c) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business; and
- (d) the amount of the fine is fair and reasonable having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment, unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and
- (b) particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made (a).

(3.) This section shall apply to the case of a shop assistant in like manner as it applies to the case of a workman.

(a) It was decided in *Buxton v. Howe* (1900 2 Q.B. 232 : 69 L.J. Q.B. 498 : 82 L.T. 422 : 48 W.R. 472 : 64 J.P. 503) that this section does not operate so as to oust the jurisdiction of justices under the Employers and Workmen Act, 1875. In that case the employer and the workman had made a contract for a "fine or penalty or drawback" in case of absence without leave. The employer took proceedings against the workman before the justices, claiming two days' penalties for absence, and alternatively claiming the same amount as damages. The conditions of subs. (1) had been observed with regard to the contract. Particulars under subs. (2) (a) had not been supplied except in the particulars of claim annexed to the summons. The justices dismissed the summons. It was held that they were wrong, and that they were bound to determine the case under the Act of 1875.

It was held in *Squire v. Bayer* (1901 2 K.B. 299 : 70 L.J. K.B. 705 : 85 L.T. 247 : 49 W.R. 557 : 65 J.P. 629) that a contract, one of the terms of which was contained in a rule which provided that "all workers shall observe good order and decorum while in the factory," was in accordance with the requirements of paragraph (b), although no acts or omissions were specified which would be a breach of good order or decorum. The court declined to reverse the decision of the justices on the facts, that playing on a harp, while other girls danced, during the dinner hour, was a breach of the rule.

Deductions or
payments in
respect of
damaged goods.

2.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work or injury to the materials or other property of the employer, unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and
- (b) the deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible; and
- (c) the amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and
- (b) particulars in writing showing the acts or omissions in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

Deductions or
payments in
respect of
materials.

3.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for, or in respect of, the use or supply of materials, tools or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and
- (b) the sum to be paid or deducted under the contract in respect of materials, tools or machines, standing room, light, heat, or any other thing, does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

- (a) the deduction or payment is made in pursuance of, and in accordance with, such a contract as aforesaid; and

- (b) particulars in writing showing the things in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

4. If any employer enters into any contract contrary to this Act, or makes any deduction or receives any payment contrary to this Act, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence in that section mentioned. Penalty.
1 & 2 Will. 4.
c. 37.

5. Any workman or shop assistant may recover any sum deducted by or paid to his employer contrary to this Act, provided that proceedings for such recovery are commenced within six months from the date of the deduction or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case. Recovery of
payments or
deductions.

6.—(1.) Every employer who has made any contract purporting or intending to operate as a contract under this Act, shall, on demand in writing by one of Her Majesty's Inspectors of Factories or of Mines, produce the contract or a true copy thereof at any convenient time and place to be named by the inspector, and the inspector shall be at liberty to take a copy of the same or of any part thereof, and the employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms. Production of
contract.

(2.) A workman or shop assistant who is party to any such contract shall be entitled, on request, to obtain from his employer free of charge a copy of the contract or of the notice containing its terms.

(3.) Every employer who has made any contract purporting or intending to operate as a contract under section one of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of Her Majesty's Inspectors of Factories or of Mines.

(4.) If any person fails to comply with this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

7. A contract entered into under the provisions of this Act shall not be liable to stamp duty. Exemption of
contract from
stamp duty.

Saving as to contracts and payments illegal under existing Acts.

1 & 2 Will. 4.
50 & 51 Vict. c. 46.
37 & 38 Vict. c. 48.
50 & 51 Vict. c. 58.

8. Nothing in this Act shall make lawful any contract or payment which is illegal under the Truck Acts, 1831 and 1887, or under the Hosiery Manufacture (Wages) Act, 1874, or affect the provisions of the Coal Mines Regulation Act, 1887, or any amending Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

Power to exempt from provisions of Act.

9.—(1.) The Secretary of State, if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business, or in any branch or department of any trade or business, either generally or within any specified area, may by order under his hand grant an exemption from those provisions in respect of the persons engaged in that trade, business, branch or department, either generally or within that area.(a)

(2.) The Secretary of State may at any time amend or revoke any such order.

(3.) Every order made under this section shall be laid as soon as may be before both Houses of Parliament, and if either House within the next forty days after the order has been so laid before that House resolves that the order ought to be annulled, the order shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

Duties of inspectors.

50 & 51 Vict. c. 46.

10. Subsection two of section thirteen of the Truck Amendment Act, 1887 (which relates to the duty of inspectors) shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or sub-contractor, in like manner as it applies in the case of a factory.

Commencement.

11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

Short title and construction.

12. This Act may be cited as the Truck Act, 1896; and the Truck Acts, 1831 and 1887, and this Act shall be construed together as one Act and may be cited collectively as the Truck Acts, 1831 to 1896.

(a) Such an order of exemption has been made with regard to persons engaged in all branches of the weaving of cotton in Lancashire, Cheshire, Derbyshire, and the West Riding (Order gazetted March 9, 1897).

HOSIERY MANUFACTURE (WAGES).

[37 & 38 VICT. CH. 48.]

AN ACT to provide for the payment of Wages without Stoppages in the Hosiery Manufacture. [30th July 1874.]

WHEREAS a custom has prevailed among the employers of artificers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and it is desirable to prohibit such letting of frames and machinery, and the stoppage of wages for frame rents and charges in the hosiery manufacture.

Be it enacted:

1. In all contracts for wages the full and entire amount of all wages the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship.

Wages to be paid without any stoppages whatever.

2. All contracts to stop wages, and all contracts for frame rents and charges between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

Contracts to stop wages and for frame rents illegal.

3. If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or shall refuse or neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of five pounds for every offence, to be recovered by the said artificer or any other person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

Penalty for bargaining to deduct and for deducting from wages.

4. If any frame or machine which shall have been entrusted to any artificer or other person by his employer for the purpose of being used in the hosiery manufacture for such employer, or in any process incident to such manufacture, shall, whilst the same shall be so entrusted, be worked, used, or employed without the consent in writing of such employer or other person so entrusting such frame or machine, in the manufacture of any goods or articles whatever for any other person than the person by whom such frame or machine shall have been so entrusted, then and in every such case the artificer or other person to whom the same shall have been so entrusted shall forfeit and pay the sum of ten shillings for every day on any part of which any such frame or machine shall have been so worked, used, or employed, to be recoverable by and for the benefit of the person who shall have so entrusted the same, in the county court for the district where the offence shall have been committed, with full costs of suit.

Penalty for using frame otherwise than for the purpose for which same lent.

No action to be allowed in respect of any such bargaining.

5. No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

Not to prevent the recovery by employer of any debt due to him from artificer.

6. Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

Definition of terms.

7. Within the meaning and for the purposes of this Act, all workmen, labourers, and other persons in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be deemed "artificers;" and, within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be "employers"; and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time, or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour; and, within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificers are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

Commencement of Act.

8. This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

Short title.

9. This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1874.



PUBLIC HEALTH ACT, 1875.

[38 & 39 VICT. CH. 55.]

4. "Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as an agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent. Definition

38.(a) Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earth closets, or privies and ashpits for the separate use of each sex. (b) Privy accommodation for factories.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

91. For the purposes of this Act—

(1.) Any premises in such a state as to be a nuisance or injurious to health:

Definition of nuisances.

(2.) Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health:

(6.) Any factory, workshop, or workplace [*not already under the operation of any general Act for the regulation of factories or bake-houses*], (c) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein: (d)

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

(a) This section is repealed wherever s. 22 of the Public Health Acts Amendment Act, 1890 (below), is in force.

(b) For a wider provision to a similar effect, *see* 1895 s. 35.

(c) These words were repealed by the Act of 1878, and this Act is prevented from overlapping the Factory Act, with regard to the sanitary condition of factories, by s. 2 subs. (1) of the Factory Act.

(d) This paragraph is supplemented by s. 2 of the Factory Act, subs. (2) of which requires workshops and workplaces within this Act to be kept free from effluvia, and subs. (3) of which deals with the limewashing of such places.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

[53 & 54 VICT. CH. 59.]

Sanitary con-
veniences for
manufactories,
&c.

22 (a).—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient suitable and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force, section thirty-eight of the Public Health Act, 1875, shall be repealed.

(a) This section is in force only in boroughs and urban districts in which this part of the Act has been adopted by the borough council or the urban district council. Where it is in force, s. 38 of the Public Health Act, 1875 (above), is repealed (*see subs. (4) below*).

PUBLIC HEALTH (LONDON) ACT, 1891.

[54 & 55 VICT. CH. 76.]

2.—(1.) For the purposes of this Act.—

(a.) Any premises in such a state as to be a nuisance or dangerous or injurious to health;

What nuisances
may be abated
summarily.

(b.) Any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cesspool, drain, dung-pit, or ash-pit so foul or in such a state as to be a nuisance or injurious or dangerous to health;

(g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and

(i.) is not kept in a cleanly state, and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or

(ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or

(iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein, shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

(ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other user.

25.—(1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom the notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or

Limewashing
and washing of
workshops.

part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1873, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

Enactments
respecting bake-
houses.

26.—(1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances^(a) shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

Notice to factory
inspector re-
specting child or
woman in work-
shop.

27. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

Sanitary con-
veniences for
manufactories.

38.—(1.)^(b) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notices fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

(a) *i.e.*, s. 10. (b) Compare s. 9 of the Factory and Workshop Act, 1901.

PUBLIC HEALTH (SCOTLAND) ACT, 1897.
[60 & 61 VICT. CH. 38.]

49.—Whenever it shall be certified to the local authority by the medical officer of health that it is desirable, with a view to prevent the spread of infectious disease, that they should be furnished with a list of the customers of any person or company earning a livelihood or deriving gain by the washing or mangling of clothes, the local authority may require such person or company to furnish to them a full and complete list of the names and addresses of the owners of clothes for whom such person or company washes or mangles, or has washed or mangled, during the past six weeks, and such person or company shall furnish such list accordingly, and the local authority shall pay to him, her, or them, for every such list, the sum of sixpence, and at the rate of sixpence for every twenty-five names contained therein, but no such payment shall exceed three shillings, and every person who shall wilfully or knowingly offend against this enactment shall, for each such offence, be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

Persons engaged in washing or mangling clothes to furnish list of owners of clothes in certain cases.

ELEMENTARY EDUCATION ACT, 1876.
[39 & 40 VICT. CH. 79.]

5. A person^(a) shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned)^(b) any child—

Certificate of education of child over 10.

(2.) Who, being of the age of ten^(c) years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act on that behalf mentioned, unless such child, being of the age of ten^(c) years or upwards, is employed and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (herein-after mentioned) made

(a) "Person" includes a parent who employs his child in any labour exercised by way of trade or for the purpose of gain (39 & 40 Vict. c. 79. s. 47).

(b) The exception referred to is the exemption which may be granted by the local authority for children employed in agriculture during six weeks in the year (39 & 40 Vict. c. 79. s. 9).

(c) Now twelve (62 & 63 Vict. c. 13. s. 1, printed below).

under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.(a)

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Enforcement of Act by inspectors of factories or mines.

7. It shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children ; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

(a) It is necessary now for the child, if under 13, to have a certificate of proficiency under the byelaws (43 & 44 Vict. c. 23. s. 4 ; see also note (d) on 1878 s. 23.)

ELEMENTARY EDUCATION ACT, 1880.

[43 & 44 VICT. CH. 23.]

Person employing, without certificate, child between 10 and 13 to be liable to penalty.

4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.(b)

(b) See 39 & 40 Vict. c. 79. ss. 5, 6, printed above.



ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893.

[56 & 57 VICT. CH. 51.]

AN ACT to amend the Elementary Education Acts with respect to
the age for attendance at School. [22nd September 1893.]

BE it enacted:

1. The age at which a child may, in pursuance of any byelaw made under the Elementary Education Acts, 1870 to 1891, obtain total or partial exemption from the obligation to attend school, on obtaining a certificate as to the standard of examination which he has reached shall be raised to eleven (*a*), and every such byelaw, so far as it provides for such exemption, shall be construed and have effect as if a reference to eleven years of age were substituted therein for a reference to a lower age, and in section seventy-four of the Elementary Education Act, 1870, eleven shall be substituted for ten.

Age for exemption from school attendance.

33 & 34 Vict.
c. 76.

2. If any person takes a child into his employment in such manner as to prevent the child from attending school in accordance with the byelaws for the time being in force in the district in which the child resides, he shall be deemed to take the child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.

Penalty for employment of children before exemption from school attendance.

39 & 40 Vict.
c. 70.

3. Nothing in this Act shall apply in the case of any child who at the passing of this Act is under the byelaws then in force in the district in which he resides exempt wholly or partially, as the case may be, from the obligation to attend school.

Saving.

4. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

Commencement of Act.

5. This Act may be cited as the Elementary Education (School Attendance) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

Short title.

(a) Now twelve (62 & 63 Vict. c. 18. s. 1, printed below).

**ELEMENTARY EDUCATION (SCHOOL
ATTENDANCE) ACT (1893) AMENDMENT
ACT, 1899.**

[62 & 63 VICT. CH. 13.]

AN ACT to amend the Law respecting the Employment and Education of Young Children. [13th July 1899.]

Amendment of
56 & 57 Vict.
c. 61.

1. On and after the first day of January one thousand nine hundred the Elementary Education (School Attendance) Act, 1893, shall have effect as if "~~twelve~~" were substituted therein for "eleven."

Provided that nothing in this Act shall apply in the case of any child who at the said date is, under the byelaws then in force in the school district in which he resides, exempt, wholly or partially, as the case may be, from the obligation to attend school.

Provided also that the local authority for any district may, by byelaw for any parish within their district, fix thirteen years as the minimum age for exemption from school attendance in the case of children to be employed in agriculture, and that in such parish such children over eleven and under thirteen years of age who have passed the standard fixed for partial exemption from school attendance by the byelaws of the local authority shall not be required to attend school more than two hundred and fifty times in any year.

Such byelaw shall have effect as a byelaw made under section seventy-four of the Elementary Education Act, 1870, and all Acts amending the same.

The local authority shall be the local authority fixed by section seven of the Elementary Education Act, 1876.

Provided also that a child shall be entitled to obtain partial exemption from school attendance on attaining the age of twelve years if such child has made three hundred attendances in not more than two schools during each year for five preceding years whether consecutive or not.

Short title and
construction.!

2. This Act may be cited as the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, and shall be read with the Elementary Education Acts, 1870 to 1897.



EDUCATION (SCOTLAND) ACT, 1901.

[1 EDW. 7. CH. 9.]

AN ACT to regulate the Employment and Attendance of Children
at School in Scotland [9th August 1901.]

BE it enacted :

1. It shall be the duty of every parent to provide efficient elementary education in reading, writing, and arithmetic for his children who are between five and fourteen years of age.

Parents to provide efficient elementary education for their children.

2. It shall not be lawful for any person to take into his employment any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not obtained exemption from the obligation to attend school from the school board of the district in the manner provided in the next following section; nor shall any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not been exempted from the obligation to attend school in manner aforesaid, be employed in any casual employment, as defined by section six of the Education (Scotland) Act, 1878, after nine o'clock at night, from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

School attendance.

41 & 42 Vict. c. 78.

Provided that nothing in this section shall prevent any employer from employing any child who is lawfully employed by him or by any other person at the date of the commencement of this Act.

3. It shall be lawful for any school board, where after due inquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the Education of such child.

Power to grant partial exemption from school attendance on conditions.

Provided that any school board granting such exemption to individual children shall keep a register wherein shall be entered the names of children so exempted, and a statement of the circumstances in which and the conditions upon which such exemption has in each case been granted.

Provided also that the Department shall have power, when it sees fit, to call upon any school board for a return of the children to whom such exemption has been granted, and of the circumstances

in which and the conditions upon which such exemption has in each case been granted; and if, after due inquiry, the Department is satisfied that such exemption has been granted by any school board in circumstances which did not justify its being so granted, or that the conditions on which such exemption has been granted are insufficient, or that the attendance of scholars within the district of such school board, or any part thereof, is unsatisfactory, the Department may call upon such school board to recall such exemption, or to take steps to improve the attendance; and if the said school board fail to do so within a reasonable time it shall be lawful for the Department to withhold or reduce the parliamentary grant made to the said school board under section sixty-seven of the Education (Scotland) Act, 1872.

35 & 36 Vict.
c. 62.

Repeal.

4. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column thereof.

Commencement
of Act.

5. This Act shall commence on the first day of January one thousand nine hundred and two.

Extent of Act.

6. This Act shall extend to Scotland only.

Short title and
construction.

7. This Act may be cited as the Education (Scotland) Act, 1901; and this Act and the Education (Scotland) Acts, 1872 to 1883, shall be construed as one Act.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 62. -	Education (Scotland) Act, 1872.	Section sixty-nine. Section seventy-three.
41 & 42 Vict. c. 78. -	Education (Scotland) Act, 1878.	Section five. Section six. In part, namely,— From the words "and no child" to "to the first day of April" where those words last occur, and from "A school board may," to the end. Section seven. In part, namely,— The word "hereinbefore."
46 & 47 Vict. c. 56. -	Education (Scotland) Act, 1883.	Section four. Section six. Section seven. Section eight.

EMPLOYMENT OF CHILDREN ACT, 1903.

[3 EDW. 7. CH. 45.]

3.—(1) A child shall not be employed between the hours of nine in the evening and six in the morning: Provided that any local authority may, by byelaw, vary these hours generally or for any specified occupation. General restrictions on employment of children.

(2) A child under the age of eleven years shall not be employed in street trading.

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child.

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate, signed by a registered medical practitioner, that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

9. Byelaws made under this Act shall not apply to any child above twelve employed in pursuance of the Factory and Workshops Act, 1901, or the Metalliferous Mines Regulation Act, 1872, or the Coal Mines Regulation Act, 1887, so far as regards that employment; and, in the application of Section 3 to children employed under those Acts, the inspectors appointed under those Acts shall be substituted for the local authority in respect of such employment. Employment in Factories.

13. In this Act—

The expression “child” means a person under the age of fourteen years.

The expression “employ” and “employment,” used in reference to a child, include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person.

Definitions.

APPENDIX OF REGULATIONS FOR DANGEROUS TRADES.

WITH RULES FOR THE CONDUCT OF INQUIRIES INTO DRAFT REGULATIONS.

With the exception of the Regulations for the manufacture of Felt Hats, for File-cutting by hand, for the manufacture of Electric Accumulators, and for loading, etc., in Docks, etc., these Regulations came into force as Special Rules and Requirements established under the Act of 1891. By virtue of paragraph (2) of section 161 of the present Act such old Special Rules continue to have effect as if they were Regulations made under the present Act. The material sections of the Acts of 1891 and 1895 which relate to them are continued in operation until a date to be fixed by future Order. These Regulations are required to be judicially noticed (see s. 86, subs. (6)), and therefore they need not be strictly proved.

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RULES FOR THE CONDUCT OF INQUIRIES.

RULES, DATED FEBRUARY 5, 1903, MADE BY THE SECRETARY OF STATE UNDER SECTION 81 OF THE FACTORY AND WORKSHOP ACT, 1901, FOR THE CONDUCT OF INQUIRIES HELD IN PURSUANCE OF THAT SECTION WITH REGARD TO ANY DRAFT REGULATIONS FOR DANGEROUS TRADES.

In pursuance of the powers conferred on me by Section 81 (4) of the Factory and Workshop Act, 1901, I hereby make the following rules for the conduct of inquiries with regard to draft regulations for Dangerous Trades:—

- (1.) The inquiry shall be opened at such time and place as may be fixed by the person appointed by the Secretary of State to hold the inquiry (in these rules referred to as "the Commissioner"), and not less than three weeks' notice of the time and place so fixed shall be sent by post by him or on his behalf to all persons who have sent to the Secretary of State any objection to the draft regulations: Provided that the non-receipt of such notice by any such person shall not invalidate the proceedings or render necessary an adjournment of the inquiry.
- (2.) The Commissioner may adjourn the inquiry from time to time as he sees fit, and may hold adjourned sittings at any place which he thinks necessary for the convenience of persons who objected to the draft regulations.
- (3.) The Commissioner may give such directions as he thinks necessary as to the order in which the draft regulations and the objections thereto shall be considered, and as to the order in which the parties appearing at the inquiry shall be heard.
- (4.) If any person who has not made objections to the draft regulations in accordance with Section 80 claims to be heard at the inquiry, the Commissioner may require him to state his objection in writing in the manner provided by Section 80 (2).
- (5.) If the objections to any draft regulation made by more than one person appearing at the inquiry appear to the Commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of persons affected by the draft regulation to state such objections, and to call evidence (if required) in support of such objections.

Any other person making the same objections may be heard subsequently by consent of the Commissioner.

- (6.) The Commissioner may stop any statement which appears to him to be irrelevant to the draft regulation or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.
- (7.) Subject to the provisions of Section 81, and to the foregoing rules, all the proceedings shall be conducted in such manner as the Commissioner may direct.

A. AKERS DOUGLAS,
One of His Majesty's Principal
Secretaries of State.

Home Office,

5th February, 1903.

APPENDIX OF REGULATIONS FOR DANGEROUS TRADES.

WHITE LEAD FACTORIES.

In these Rules "person employed in a lead process" means a person who is employed in any work or process involving exposure to white lead, or to lead or lead compounds used in its manufacture, or who is admitted to any room or part of the factory where such process is carried on.

Any approval given by the Chief Inspector of Factories in pursuance of Rules 2, 4, 6, 9, or 12 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

1. On and after July 1st 1899, no part of a white lead factory New works. shall be constructed, structurally altered, or newly used, for any process in which white lead is manufactured or prepared for sale, unless the plans have previously been submitted to and approved in writing by the Chief Inspector of Factories.

2.—(a.) Every stack shall be provided with a standpipe and Stacks. movable hose, and an adequate supply of water distributed by a rose.

(b.) Every white bed shall, on the removal of the covering boards, White beds. be effectually damped by the means mentioned above.

Where it is shown to the satisfaction of the Chief Inspector of Factories that there is no available public water service in the district, it shall be a sufficient compliance with this Rule if each white bed is, on the removal of the covering boards, effectually damped by means of a watering can.

3. Where white lead is made by the chamber process, the chamber Chamber process. shall be kept moist while the process is in operation, and the corrosions shall be effectually moistened before the chamber is emptied.

4.—(a.) Corrosions shall not be carried except in trays of imper- Corrosions. vious material.

(b.) No person shall be allowed to carry on his head or shoulder a tray of corrosions which has been allowed to rest directly upon the corrosions, or upon any surface where there is white lead.

(c.) All corrosions before being put into the rollers or washbecks, shall be effectually damped, either by dipping the tray containing them in a trough of water or by some other method approved by the Chief Inspector of Factories.

Rollers. 5. The flooring round the rollers shall either be of smooth cement or be covered with sheet lead, and shall be kept constantly moist.

Drying stoves. 6. On and after January 1st 1901, except as herein-after provided—

(a.) Every stove shall have a window, or windows, with a total area of not less than 8 square feet, made to open, and so placed as to admit of effectual through ventilation.

(b.) In no stove shall bowls be placed on a rack which is more than 10 feet from the floor.

(c.) Each bowl shall rest upon the rack and not upon another bowl.

(d.) No stove shall be entered for the purpose of drawing until the temperature at a height of 5 feet from the floor has fallen either to 70° F. or to a point not more than 10° F. above the temperature of the air outside.

(e.) In drawing any stove or part of a stove there shall not be more than one stage or standing place above the level of the floor.

Provided that if the Chief Inspector approves of any other means of ventilating a stove, as allowing of effectual through ventilation, such means may be adopted, notwithstanding paragraph (a) of this Rule; and if he approves of any other method of setting and drawing the stoves, as effectually preventing white lead from falling upon any worker, such method may be followed, notwithstanding paragraphs (b) and (e) of this Rule.

Drawing Dutch stoves.

7. No person shall be employed in drawing Dutch stoves on more than two days in any week.

Deposit of dry white lead.

8. No dry white lead shall be deposited in any place that is not provided either with a cover or with a fan effectually removing the dust from the worker.

Packing.

9. On and after January 1st 1900, the packing of dry white lead shall be done only under conditions which secure the effectual removal of dust, either by exhaust fans or by other efficient means approved in each case by the Chief Inspector of Factories.

This rule shall not apply where the packing is effected by mechanical means entirely closed in.

10. The floor of any place where packing of dry white lead is carried on shall be of cement, or of stone set in cement.

Employment of women.

11. No woman shall be employed or allowed in the white beds, rollers, washbecks or stoves, or in any place where dry white lead is packed, or in other work exposing her to white lead dust.

Weekly medical examination.

12.—(a.) A duly qualified medical practitioner (in these Rules referred to as the "appointed surgeon") shall be appointed by the occupier for each factory, such appointment to be subject to the approval of the Chief Inspector.

(b.) No person shall be employed in a lead process for more than a week without a certificate of fitness granted after examination by the appointed surgeon.

(c.) Every person employed in a lead process shall be examined once a week by the appointed surgeon, who shall have power to order suspension from employment in any place or process.

(d.) No person after such suspension shall be employed in a lead process without the written sanction of the appointed surgeon.

(e.) A register in a form approved by the Chief Inspector of Health registers. Factories shall be kept, and shall contain a list of all persons employed in lead processes. The appointed surgeon will enter in the register the dates and results of his examinations of the persons employed, and particulars of any directions given by him. The register shall be produced at any time when required by H.M. Inspectors of Factories or by the certifying surgeon, or by the appointed surgeon.

13. Upon any person employed in a lead process complaining of being unwell, the occupier shall, with the least possible delay, give an order upon a duly qualified medical practitioner. Medical attendance.

14. The occupier shall provide and maintain sufficient and suitable respirators, overalls, and head-coverings, and shall cause them to be worn as directed in Rule 29. Respirators, overalls, head-coverings.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed or renewed every week; and those which have been used in the stoves, and all respirators, shall be washed or renewed daily.

15. The occupier shall provide and maintain a dining-room and a cloak-room in which workers can deposit clothing put off during working hours. Dining-room, cloak-room.

16. No person employed in a lead process shall be allowed to prepare or partake of any food or drink except in the dining-room or kitchen. Food.

17. A supply of a suitable sanitary drink, to be approved by the appointed surgeon, shall be kept for the use of the workers. Sanitary drink.

18. The occupier shall provide and maintain a lavatory for the use of the workers, with soap, nail brushes, and at least one lavatory basin for every five persons employed. Each such basin shall be fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on, except where there is no available public water service, in which case the provision of hot and cold water shall be such as shall satisfy the Inspector in charge of the district. Lavatory.

The lavatory shall be thoroughly cleaned and supplied with clean towels after every meal.

There shall, in addition, be means of washing in close proximity to the workers of each department, if required by notice in writing from the Inspector in charge of the district.

There shall be facilities, to the satisfaction of the Inspector in charge of the district, for the workers to wash out their mouths.

Allowance of time for washing. 19. Before each meal, and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed to each worker for washing.

A notice to this effect shall be affixed in each department.

Baths. 20. The occupier shall provide and maintain sufficient baths and dressing rooms for all persons employed in lead processes, with hot and cold water, soap, and towels, and shall cause each such person to take a bath once a week at the factory.

Bath register. A bath register shall be kept, containing a list of all persons employed in lead processes, and an entry of the date when each person takes a bath.

This register shall be produced at any time when required by H.M. Inspectors of Factories or by the certifying surgeon or by the appointed surgeon.

21. The dressing-rooms, baths, and w.c.'s shall be cleaned daily.

Cleaning floors. 22. The floor of each workroom shall be cleaned daily, after being thoroughly damped.

DUTIES OF PERSONS EMPLOYED.

Corrosions. 23. No person shall strip a white bed or empty a chamber without previously effectually damping as directed in Rules 2 and 3.

24. No person shall carry corrosions, or put them into the rollers or washbecks, otherwise than as permitted by Rule 4.

Stoves. 25. No person shall set or draw a stove otherwise than as permitted by Rules 6 and 7.

Packing. 26. No person shall deposit or pack dry white lead otherwise than as permitted by Rules 8 and 9.

Weekly medical examination. 27. Every person employed in a lead process shall present himself at the appointed times for examination by the appointed surgeon, as provided in Rule 12.

28. No person, after suspension by the appointed surgeon, shall work in a lead process without his written sanction.

Respirators, overalls, head-coverings. 29. Every person engaged in—

White beds,	Packing,
Emptying chambers,	Paint mixing,
Rollers, washbecks or grinding,	Handling dry white lead,
Setting or drawing stoves,	

or in any work involving exposure to white lead dust, shall, while so occupied, wear an overall suit and head-covering.

Every person engaged in stripping white beds, or in emptying chambers, or in drawing stoves, or in packing, shall in addition wear a respirator while so occupied.

Washing. 30. Every person engaged in any place or process named in Rule 29 shall, before partaking of meals or leaving the premises, deposit the overalls, head-coverings, and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

31. Every person employed in a lead process shall take a bath ^{Baths.} at the factory at least once a week, and wash in the lavatory before bathing; having done so, he shall at once sign his name in the bath register, with the date.

32. No person employed in a lead process shall smoke or use Food. tobacco in any form, or partake of food or drink, elsewhere than in the dining-room or kitchen.

33. No person shall in any way interfere, without the knowledge ^{Ventilation.} and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust.

34. The foreman shall report to the manager, and the manager ^{reporting neglect of} shall report to the occupier, any instance coming under his notice ^{rules.} of a worker neglecting to observe these Rules.

35. No person shall obtain employment under an assumed name ^{false pretences.} or under any false pretence.

1st June, 1899.

NOTE.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules, and fails to do so, or acts in contravention of them, is liable to a penalty; and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing, and to the best of his power, enforcing the Rules, to prevent the contravention or non-compliance. —(*Factory and Workshop Act, 1901, sections 85 and 86.*)

RED AND ORANGE LEAD WORKS.

DUTIES OF OCCUPIERS.

In drawing charges of massicot, or of red lead, or of orange lead, from the furnace they shall not allow the charges of massicot, or of red lead, or of orange lead, to be discharged on to the floor of the factory or workshop, but shall arrange that it be shovelled, not raked, into waggons.

They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on.

They shall arrange that no red or orange lead shall be packed in casks or other receptacles except in a place provided with a hood connected with a fan, or shall provide other suitable means to create an effective draught.

They shall provide sufficient bath accommodation for all persons employed in the manipulation of red and orange lead, and lavatories, with a good supply of hot water, soap, nail brushes, and towels for the use of such persons.

They shall arrange for a monthly visit by a medical man, who shall examine every worker individually, and who shall enter the result of each examination in a register book to be provided by the said occupiers.

They shall provide a sufficient supply of approved sanitary drink for the workers.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

YELLOW LEAD WORKS.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom Salts and of an approved sanitary drink.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

Respirators:

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested:

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon sufficient to flavour.

LEAD SMELTING WORKS.

DUTIES OF OCCUPIERS.

They shall provide respirators and overall suits for the use of all persons employed in cleaning the flues, and take means to see that the same are used.

They shall arrange that no person be allowed to remain at work more than two hours at a time in a flue. (A rest of half an hour before re-entering will be deemed sufficient.)

They shall provide sufficient bath accommodation for all persons employed in cleaning the flues and every one so employed shall take a bath before leaving the works.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes and towels.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“ If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

MANUFACTURE OF PAINTS, COLOURS, AND EXTRACTION OF ARSENIC.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and take measures to secure that every worker wash face and hands before meals, and before leaving the works; and, in addition to the above, sufficient bath accommodation for the use of all persons employed in the manufacture of Milan red, vermilionette, or Persian red.

They shall provide suitable respirators and overall suits, kept in a cleanly state, for all workers engaged in any department where dry white lead or arsenic is used in either the manufacture or paint mixing, and overall suits for those engaged in grinding in water or oil, and for all workers in Milan red, vermilionette, or Persian red, wherever dust is generated.

They shall provide a sufficient supply of approved sanitary drink, which shall be accessible to the workers at all times, and shall cause such approved sanitary drink to be taken daily by workers in any department where white lead or arsenic is used in the manu-

facture, and shall provide a supply of aperient medicine, which shall be given to the workers, when required, free of charge.

No food shall be eaten in any part of the works where white lead or arsenic is used in the manufacture.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which white lead or arsenic is used in the manufacture.

No person shall smoke or use tobacco in any part of the works in which white lead or arsenic is used in the manufacture.

ENAMELLING OF IRON PLATES

(by the aid of Lead, Arsenic, or Antimony).

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall provide suitable respirators, overall suits, and head coverings for all workers employed in the processes of grinding, dusting, and brushing.

They shall adopt measures on and after the 1st day of October 1894 in the dusting and brushing processes for the removal of all superfluous dust, by the use of perforated benches or tables supplied with fans to carry the dust down through the apertures of such benches or tables, the under part of which must be boxed in.

They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it.

They shall arrange for a medical inspection of all persons employed, at least once a month.

They shall see that no female is employed without previous examination and a certificate of fitness from the medical attendant of the works.

They shall see that no person who has been absent from work through illness shall be re-employed without a medical certificate to the effect that he or she has recovered.

Upon any person employed in the works complaining of being unwell, the occupier shall, with the least possible delay, and at his own expense, give an order upon a doctor for professional

attendance and medicine. It is to be understood that this rule will not apply to persons suffering from complaints which have not been contracted in the process of manufacture.

They shall provide a place or places free from dust and damp in which the operatives can hang up the clothes in which they do not work.

(It is recommended that they shall provide for each female before the day's work begins some light refreshment, such as a half-pint of milk and a biscuit.)

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall and head covering shall wear the same when at the work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten by any person in any part of the works except in the apartment specially provided for the purpose.

No person may seek employment under an assumed name or under any false pretence.

Respirators:

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested:

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon, sufficient to flavour.

LUCIFER MATCH FACTORIES

(in which White or Yellow Phosphorus is used).

*(As established
by Arbitration
March 31, 1900.)*

In these Rules "phosphorus process" means mixing, dipping, drying, boxing, and any other work or process in which white or yellow phosphorus is used; and "person employed in a phosphorus process" means any person who is employed in any room or part of the factory where such a process is carried on.

"Double-dipped matches" means wood splints, both ends of which have been dipped in the igniting composition.

"Certifying surgeon" means a surgeon appointed under the Factory and Workshop Acts.

Any approval or decision given by the Chief Inspector of Factories in pursuance of these Rules shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Rules 5 (a), 5 (b), 6, 8, and 19, so far as they affect the employment of adult workers, shall not come into force until the 1st day of October 1900.

Date of commencement of certain Rules.

DUTIES OF EMPLOYERS.

- Plans.** 1. No part of a lucifer match factory shall be constructed, structurally altered, or newly used, for the carrying on of any phosphorus process, unless the plans have previously been submitted in duplicate to the Chief Inspector of Factories, and unless he shall have approved the plans in writing, or shall not within six weeks from the submission of the plans have expressed his disapproval in writing of the same.
- 2 Every room in which mixing, dipping, drying or boxing is carried on—
- Ventilation.** Shall be efficiently ventilated by means of sufficient openings to the outer air, and also by means of fans, unless the use of fans is dispensed with by order in writing of the Chief Inspector;
- Air space.** Shall contain at least 400 cubic feet of air space for each person employed therein; and in computing this air space no height above 14 feet shall be taken into account;
- Lighting.** Shall be efficiently lighted;
- Floor.** Shall have a smooth and impervious floor. A floor laid with flagstones or hard bricks in good repair shall be deemed to constitute a smooth and impervious floor.
- Separate rooms.** 3.—(a.) The processes of mixing, dipping, and drying shall each be done in a separate and distinct room. The process of boxing double-dipped matches or matches not thoroughly dry shall also be done in a separate and distinct room. These rooms shall not communicate with any other part of the factory unless there shall be a ventilated space intervening; nor shall they communicate with one another, except by means of doorways with closely-fitting doors, which doors shall be kept shut except when some person is passing through.
- Mixing.** (b.) Mixing shall not be done except in an apparatus so closed, or so arranged, and ventilated by means of a fan, as to prevent the entrance of fumes into the air of the mixing-room.
- Dipping.** (c.) Dipping shall not be done except on a slab provided with an efficient exhaust fan, and with an air inlet between the dipper and the slab, or with a hood, so arranged as to draw the fumes away from the dipper, and to prevent them from entering the air of the dipping-room.
- Drying.** (d.) Matches that have been dipped and cannot at once be removed to the drying-room shall immediately be placed under a hood provided with an efficient exhaust fan, so arranged as to prevent the fumes from entering the air of the room.
- (e.) Matches shall not be taken to a boxing-room not arranged in compliance with sub-section (f) of this rule until they are thoroughly dry, and matches shall not be taken to a boxing-room that is so arranged until they are dried so far as they can be before cutting down and boxing.
- Boxing.** (f.) Cutting down of double-dipped matches and boxing of matches not thoroughly dry shall not be done except at benches

or tables provided with an efficient exhaust fan, so arranged as to draw the fumes away from the worker and prevent them from entering the air of the boxing-room.

Provided that the foregoing rule shall not prevent the employment of any mechanical arrangement for carrying on any of the above-mentioned processes if the same be approved by the Chief Inspector as obviating the use of hand labour, and if it be used subject to the conditions (if any) specified in such approval.

Mechanical arrangements obviating hand labour.

Provided further that if the Chief Inspector shall, on consideration of the special circumstances of any particular case, so approve in writing, all or any of the provisions of the foregoing rule may be suspended for the time named in such approval in writing.

4. Vessels containing phosphorus paste shall when not actually in use, be kept constantly covered, and closely fitting covers or damp flannels shall be provided for the purpose.

Phosphorus paste

5.—(a.) For the purposes of these Rules the occupier shall appoint, subject to the approval of the Chief Inspector, a duly qualified and registered dentist, herein termed the appointed dentist.

Appointed dentist.

It shall be the duty of the appointed dentist to suspend from employment in any phosphorus process any person whom he finds to incur danger of phosphorus necrosis by reason of defective conditions of teeth, or exposure of the jaw.

Suspension.

(b.) No person shall be newly employed in a dipping-room for more than 28 days, whether such days are consecutive or not, without being examined by the appointed dentist.

Preliminary examination.

(c.) Every person employed in a phosphorus process, except persons employed only as boxers of wax vestas or other thoroughly dry matches, shall be examined by the appointed dentist at least once in every three months.

Periodical examination.

(d.) Any person employed in the factory complaining of toothache, or a pain or swelling of the jaw, shall at once be examined by the appointed dentist.

Special examination in case of toothache, &c.

(e.) When the appointed dentist has reason to believe that any person employed in the factory is suffering from inflammation or necrosis of the jaw, or is in such a state of health as to incur danger of phosphorus necrosis, he shall at once direct the attention of the certifying surgeon and occupier to the case. Thereupon such person shall at once be examined by the certifying surgeon.

Reference of cases to certifying surgeon.

6. No person shall be employed in a phosphorus process—
after suspension by the appointed dentist; or
after the extraction of a tooth; or
after any operation involving exposure of the jaw bone; or
after inflammation or necrosis of the jaw; or
after examination by the appointed dentist in pursuance of Rule 5 (d); or
after reference to the certifying surgeon in pursuance of Rule 5 (e):

Exclusion of certain persons from employment in phosphorus processes.

unless a certificate of fitness has been given, after examination, by signed entry in the health register, by the appointed dentist or by the certifying surgeon in cases referred to him under Rule 5 (e).

Health register.
Entries by
occupier.

7. A health register, in a form approved by the Chief Inspector of Factories, shall be kept by the occupier, and shall contain a complete list of all persons employed in each phosphorus process, specifying with regard to each such person the full name, address, age when first employed, and date of first employment.

Entries by
certifying
surgeon.

The certifying surgeon will enter into the health register the dates and results of his examinations of persons employed in phosphorus processes, and particulars of any directions given by him.

Entries by
appointed
dentist.

The appointed dentist will enter in the health register the dates and results of his examinations of the teeth of persons employed in phosphorus processes, and particulars of any directions given by him, and a note of any case referred by him to the certifying surgeon.

Health register
to be produced
when required.

The health register shall be produced at any time when required by H.M. Inspectors of Factories, or by the certifying surgeon, or by the appointed dentist.

Preliminary
examination by
certifying
surgeon.

8. Except persons whose names are on the health register mentioned in Rule 7, and in respect of whom certificates of fitness shall have been granted, no person shall be newly employed in any phosphorus process for more than 28 days, whether such days are consecutive or not, without a certificate of fitness, granted after examination by the certifying surgeon, by signed entry in the health register.

Certificate of
fitness.

This rule shall not apply to persons employed only as boxers of wax vestas or other thoroughly dry matches.

Overalls.

9. The occupier shall provide and maintain sufficient and suitable overalls for all persons employed in phosphorus processes, except for persons employed only as boxers of wax vestas or other thoroughly dry matches, and shall cause them to be worn as directed in Rule 20.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed every week, and suitable arrangements for this purpose shall be made by the occupier.

10. The occupier shall provide and maintain—

Dining room.
Cloak room.

(a) a dining room, and

(b) a cloak room in which workers can deposit clothing put off during working hours.

Food.

11. No person shall be allowed to prepare or partake of any food or drink in any room in which a phosphorus process is carried on, nor to bring any food or drink into such room.

Lavatory.

12. The occupier shall provide and maintain for the use of the workers a lavatory, with soap, nail brushes, towels, and at least

one lavatory basin for every five persons employed in any phosphorus process.

Each such basin shall be fitted with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.

Or, in the place of basins, the occupier shall provide and maintain enamel or galvanized iron troughs, in good repair, of a total length of 2 feet for every five persons employed, fitted with waste pipes and without plugs, with a sufficient supply of warm water constantly available.

The lavatory shall be kept thoroughly cleansed, and shall be supplied with a sufficient quantity of clean towels twice in each day.

There shall, in addition, be means of washing in close proximity to the workers in any department, if so required in writing by the Inspector in charge of the district. Additional means of washing where required.

13. The occupier shall provide for the use of every person employed in a phosphorus process an antiseptic mouth-wash approved by the appointed dentist, and a sufficient supply of glasses or cups. Mouth-wash.

14. The floor of each room in which a phosphorus process is carried on shall be cleared of waste at least once a day, and washed at least once a week. Cleansing of floors.

15. A printed copy of these Rules shall be given to each person on entering upon employment in a phosphorus process. Copy of rules to be given to persons employed.

DUTIES OF PERSONS EMPLOYED.

16. No person shall work in a mixing, dipping, drying, or boxing room under other conditions than those prescribed in Rule 3. Use of appliances provided by occupier under Rule 3.

17. No person shall allow a vessel containing phosphorus paste to remain uncovered except when actually in use. Phosphorus paste.

18. All persons employed in a phosphorus process shall present themselves at the appointed times for examination by the certifying surgeon and appointed dentist, as provided in Rules 5, 6, and 8. Medical and dental examination.

19. Every person employed in a phosphorus process and suffering from toothache or swelling of the jaw; or having had a tooth extracted or having undergone any other operation involving exposure of the jaw, shall at once inform the occupier, and shall not resume employment in a phosphorus process without a certificate of fitness from the appointed dentist, as provided in Rule 6. Toothache, &c., to be reported.
Exclusion from employment in phosphorus processes.

No person, after suspension by the appointed dentist, or after reference to the certifying surgeon, shall resume employment in a phosphorus process without a certificate of fitness, as provided in Rule 6.

- Overalls.** 20. Every person employed in a phosphorus process for whom the occupier is required by Rule 9 to provide overalls shall wear while at work the overalls so provided.
- Washing.** 21. Every person employed in a phosphorus process shall, before partaking of meals or leaving the premises, deposit the overalls in the place appointed by the occupier for the purpose, and shall thoroughly wash in the lavatory.
- Food.** 22. No person shall prepare or partake of food or drink in any room in which a phosphorus process is carried on, or bring any food or drink into such room.
- Means of removal of dust and fumes not to be interfered with.** 23. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust and fumes.
- Foremen to report neglect of Rules.** 24. Foremen and forewomen shall report to the manager any instance coming under their notice of a worker neglecting to observe these Rules.

April, 1900.

NOTE.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention to them, is liable to a penalty, and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing, and to the best of his power, enforcing the Rules, to prevent the contravention or non-compliance.

AMENDED SPECIAL RULES FOR THE MANUFACTURE AND DECORATION OF EARTHENWARE AND CHINA.

As established, after Arbitration, by the Awards of the Umpire, Lord James of Hereford, dated 30th of December, 1901, and 28th of November, 1903.

DUTIES OF OCCUPIERS.

1. Deleted.
 2. After the 1st day of February, 1904, no glaze shall be used which yields to a dilute solution of hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described below.
- Lead to be in insoluble form.** A weighed quantity of dried material is to be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. of H.Cl. This solution is thereafter to be allowed to stand for one hour and to be passed through a filter. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.
- Method of testing glaze.**

If any occupier shall give notice in writing to the Inspector for the district that he desires to use glaze which does not conform to the above-mentioned conditions, and to adopt in his factory the scheme of compensation prescribed in Schedule B, and shall affix and keep the same affixed in his factory, the above provisions shall not apply to his factory, but instead thereof the following provisions shall apply.

Use of non-conforming glaze.

All persons employed in any process included in Schedule A other than china scouring shall be examined before the commencement of their employment or at the first subsequent visit of the certifying surgeon, and once in each calendar month by the certifying surgeon of the district.

Examination.

The certifying surgeon may at any time order by signed certificate the suspension of any such person from employment in any process included in Schedule A other than china scouring, if such certifying surgeon is of opinion that such person by continuous work in lead will incur special danger from the effects of plumbism, and no person after such suspension shall be allowed to work in any process included in Schedule A other than china scouring without a certificate of fitness from the certifying surgeon entered in the register.

Suspension.

Any workman who, by reason of his employment being intermittent or casual, or of his being in regular employment for more than one employer, is unable to present himself regularly for examination by the certifying surgeon, may procure himself at his own expense to be examined once a month by a certifying surgeon, and such examination shall be a sufficient compliance with this rule. The result of such examination shall be entered by the certifying surgeon in a book to be kept in the possession of the workman. He shall produce and show the said book to a Factory Inspector or to any employer on demand, and he shall not make any entry or erasure therein.

Casual employment.

If the occupier of any factory to which this rule applies fails duly to observe the conditions of the said scheme, or if any such factory shall by reason of the occurrence of cases of lead poisoning appear to the Secretary of State to be in an unsatisfactory condition, he may, after an enquiry, at which the occupier shall have an opportunity of being heard, prohibit the use of lead for such time and subject to such conditions as he may prescribe.

Non-observance of compensation scheme.

All persons employed in the processes included in Schedule A other than china scouring shall present themselves at the appointed time for examination by the certifying surgeon, as provided in this rule.

Attendance at appointed time.

In addition to the examinations at the appointed times, any person so employed may at any time present himself to the certifying surgeon for examination, and shall be examined on paying the prescribed fee.

Additional examinations.

All persons shall obey any directions given by the certifying surgeon.

- Employment after suspension.** No person after suspension by the certifying surgeon shall work in any process included in Schedule A other than china scouring without a certificate of fitness from the certifying surgeon entered in the register. Any operative who fails without reasonable cause to attend any monthly examination shall procure himself, at his own expense, to be examined within 14 days thereafter by the certifying surgeon, and shall himself pay the prescribed fee.
- Non-attendance at monthly examination.**
- Health register.** A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the certifying surgeon shall enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in the processes included in Schedule A, or in emptying china biscuit ware, and shall be produced at any time when required by His Majesty's Inspector of Factories or by the certifying surgeon.
- Samples for analysis.** 3. The occupier shall allow any of His Majesty's Inspectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use.
- Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the inspector to take, seal, and deliver to him a duplicate sample.
- But no analytical result shall be disclosed or published in any way except such as shall be necessary to establish a breach of these Rules.
- Age and sex limits.** 4. No woman, young person, or child shall be employed in the mixing of unfritted lead compounds in the preparation or manufacture of fritts, glazes, or colours.
- Age limit.** 5. No person under 15 years of age shall be employed in any process included in Schedule A, or in emptying china biscuit ware.
- Thimble-picking, or threading-up, or looking-over biscuit ware shall not be carried on except in a place sufficiently separated from any process included in Schedule A.
- Monthly examination.** 6. All women and young persons employed in any process included in Schedule A shall be examined once in each calendar month by the certifying surgeon for the district.
- The certifying surgeon may order by signed certificate in the register the suspension of any such women or young persons from employment in any process included in Schedule A, and no person after such suspension shall be allowed to work in any process included in Schedule A without a certificate of fitness from the certifying surgeon entered in the register.
- Health register.** 7. A register in the form which has been prescribed by the Secretary of State for use in earthenware and china works shall be kept, and in it the certifying surgeon shall enter the dates and results of his visits, the number of persons examined in pursuance of Rule 6 as amended, and particulars of any directions given by

him. This register shall contain a list of all persons employed in the processes included in Schedule A, or in emptying china biscuit ware, and shall be produced at any time when required by His Majesty's Inspector of Factories or by the certifying surgeon.

8. The occupier shall provide and maintain suitable overalls and head coverings for all women and young persons employed in the processes included in the Schedule A, or in emptying china biscuit ware. Overalls and head coverings.

No person shall be allowed to work in any process included in the Schedule, or in emptying china biscuit ware, without wearing suitable overalls and head coverings, provided that nothing in this Rule shall render it obligatory on any person engaged in drawing glost ovens to wear overalls and head coverings.

All overalls, head coverings, and respirators, when not in use or being washed or repaired shall be kept by the occupier in proper custody. They shall be washed or renewed at least once a week, and suitable arrangements shall be made by the occupier for carrying out these requirements.

A suitable place, other than that provided for the keeping of overalls, head coverings, and respirators, in which all the above workers can deposit clothing put off during working hours, shall be provided by the occupier.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

9. No person shall be allowed to keep, or prepare, or partake of any food, or drink, or tobacco, or to remain during meal times in a place in which is carried on any process included in Schedule A. Food.

The occupier shall make suitable provision to the reasonable satisfaction of the Inspector in charge of the district for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories. Such accommodation shall not be provided in any room or rooms in which any process included in Schedule A is carried on, and no washing conveniences mentioned hereafter in Rule 13 shall be maintained in any room or rooms provided for such accommodation.

Suitable provision shall be made for the deposit of food brought by the workers.

10. The processes of :—

The towing of earthenware,
China scouring,
Ground laying,
Ware cleaning after the dipper,
Colour dusting, whether on-glaze or under-glaze,
Colour blowing, whether on-glaze or under-glaze,
Glaze blowing, or
Transfer making,

Dust.

shall not be carried on without the use of exhaust fans, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

In the process of ware cleaning after the dipper, sufficient arrangements shall be made for any glaze scraped off which is not removed by the fan, or the other efficient means, to fall into water.

In the process of ware cleaning of earthenware after the dipper, damp sponges or other damp material shall be provided in addition to the knife or other instrument, and shall be used wherever practicable.

Flat-knocking and fired-flint-sifting shall be carried on only in enclosed receptacles, which shall be connected with an efficient fan or other efficient draught, unless so contrived as to prevent effectually the escape of injurious dust.

In all processes the occupier shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

Respirators.

11. No person shall be employed in the mixing of unfritted lead compounds, in the preparation or manufacture of frits, glazes or colours containing lead without wearing a suitable and efficient respirator provided and maintained by the employer; unless the mixing is performed in a closed machine or the materials are in such a condition that no dust is produced.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

Ventilation.

12. All drying stoves as well as all workshops and all parts of factories shall be effectually ventilated to the reasonable satisfaction of the Inspector in charge of the district.

Lavatories.

13. The occupier shall provide and continually maintain sufficient and suitable washing conveniences for all persons employed in the processes included in Schedule A, as near as practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

There shall be in front of each washing basin, or convenience, a space for standing room which shall not be less in any direction than 21 inches.

Cleansing of work-places.

14. The occupier shall see that the floors of workshops and of such stoves as are entered by the workpeople are sprinkled and swept daily; that all dust, scraps, ashes, and dirt are removed daily, and that the mangles, work benches, and stairs leading to workshops are cleansed weekly.

When so required by the Inspector in charge of the district, by notice in writing, any such floors, mangles, work benches, and stairs shall be cleansed in such manner and at such times as may be directed in such notice.

As regards every potters' shop and stove, and every place in which any process included in Schedule A is carried on, the occupier shall cause the sufficient cleansing of floors to be done at a time when no other work is being carried on in such room, and in the case of potters' shops, stoves, dipping houses, and majolica painting rooms, by an adult male.

Provided that in the case of rooms in which ground laying or glost placing is carried on, or in the china dippers' drying room, the cleansing prescribed by this rule may be done before work commences for the day, but in no case shall any work be carried on in the room within one hour after any such cleansing as aforesaid has ceased.

15. The occupier shall cause the boards used in the dipping house, Boards, dippers' drying room, or glost placing shop to be cleansed every week, and shall not allow them to be used in any other department, except after being cleansed.

When so required by the Inspector in charge of the district, by notice in writing, any such boards shall be washed at such times as may be directed in such notice.

DUTIES OF PERSONS EMPLOYED.

16. All women and young persons employed in the processes included in Schedule A shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 6 as amended. Monthly examination.

No person after suspension by the certifying surgeon shall work in any process included in the Schedule without a certificate of fitness from the certifying surgeon entered in the register.

17. Every person employed in any process included in Schedule A, Overalls, or in emptying china biscuit ware, shall, when at work, wear a suitable overall and head covering, and also a respirator when so required by Rule 11, as amended, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed or repaired. Such overall and head covering shall be in proper repair and duly washed.

The hair must be so arranged as to be fully protected from dust by the head covering.

The overalls, head coverings, and respirators when not being worn, and clothing put off during working hours, shall be deposited in the respective places provided by the occupier for such purposes under Rule 8 as amended.

Food. 18. No person shall remain during meal times in any place in which is carried on any process included in Schedule A, or introduce, keep, prepare, or partake of any food or drink, or tobacco therein at any time.

Ventilation. 19. No person shall in any way interfere, without the knowledge and concurrence of the occupier, or manager, with the means and appliances provided by the employers for the ventilation of the workshops and stoves and for the removal of dust.

Dust.

Washing. 20. No person included (a) in any process included in Schedule A shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

No person employed shall remove or damage the washing basins or conveniences provided under Rule 13.

Cleansing of work-places.

20a. The persons appointed by the occupiers shall cleanse the several parts of the factory regularly as prescribed in Rule 14.

Avoidance of dust, dirt, etc.

Every worker shall so conduct his or her work as to avoid, as far as practicable, making or scattering dust, dirt, or refuse, or causing accumulation of such.

Boards.

21. The boards used in the dipping house, dippers' drying room, or glost placing shop shall not be used in any other department, except after being cleansed, as directed in Rule 15.

EXEMPTION FOR PROCESSES IN WHICH NO LEAD OR OTHER POISONOUS MATERIAL IS USED.

Disuse of lead.

22. If the occupier of a factory to which these Rules apply gives with reference to any process included in Schedule A, other than china scouring, an undertaking that no lead or lead compound or other poisonous material shall be used, the Chief Inspector may approve in writing of the suspension of the operation of Rules 4, 5, 6, 7, 8, 15, 16, 17, and 21, or any of them in such process; and thereupon such Rules shall be suspended as regards the process named in the Chief Inspector's approval, and in lieu thereof the following rule shall take effect, viz., No lead or lead compound or other poisonous material shall be used in any process so named.

For the purpose of this Rule materials that contain no more than one per cent. of lead shall be regarded as free from lead.

Schedule A.

Dipping or other process carried on in the dipping house,

Glaze blowing,

Painting in majolica or other glaze,

Drying after dipping,

Ware cleaning after the application of glaze by dipping or other process,

China scouring,

Glost placing,

Ground laying,

(a) By Home Office Circular occupiers have been informed that the third word ("included") will be understood as meaning "employed."

Colour dusting }
Colour blowing } whether on-glaze or under-glaze,

Lithographic transfer making,

Making or mixing of fritts, glazes, or colours containing lead,

Any other process in which materials containing lead are used or handled in the dry state, or in the form of spray, or in suspension in liquid other than oil or similar medium.

Schedule B.

Notice to Workmen employed in Processes named in Schedule A, other than China scouring.

CONDITIONS OF COMPENSATION.

1. Where a workman is suspended from working by a certifying surgeon of the district on the ground that he is of opinion that such person by continued work in lead will incur special danger from the effects of plumbism, and the certifying surgeon shall certify that in his opinion he is suffering from plumbism arising out of his employment, he shall, subject as hereinafter mentioned, be entitled to compensation from his employer as hereinafter provided.

(a.) If any workman who has been suspended as aforesaid dies within 9 calendar months from the date of such certificate of suspension, by reason of plumbism contracted before the said date, there shall be paid to such of his dependants as are wholly dependent upon his earnings at the time of his death or upon the weekly compensation payable under this scheme, a sum equal to the amount he has earned during a period of three years next preceding the date of the said certificate, such sum not to be more than £300 nor less than £150 for an adult male, £100 for an adult female, and £75 for a young person.

(b.) If the workman does not leave any dependants wholly dependent as aforesaid, but leaves any dependants in part dependent as aforesaid, a reasonable part of that sum.

(c.) If he leaves no dependants the reasonable expenses of his medical attendance and burial, not exceeding ten pounds.

2. With respect to such payments the following provisions shall apply :—

(a.) All sums paid to the workman as compensation since the date of the said certificate shall be deducted from the sums payable to the dependants.

(b.) The payment shall, in case of death, be made to the legal personal representative of the workman, or, if he has no legal personal representative, to or for the benefit of his dependants, or, if he leaves no dependants, to the person to whom the expenses are due; and if made to the legal personal representative shall be paid by him to or for the benefit of the dependants or other person entitled thereto.

- (c.) Any question as to who is a dependant, or as to the amount payable to each dependant, shall in default of agreement be settled by arbitration as hereinafter provided in clause 9.
- (d.) The sum allotted as compensation to a dependant may be invested or otherwise applied for the benefit of the person entitled thereto, as agreed, or as ordered by the arbitrator.
- (e.) Any sum which is agreed or is ordered by the arbitrator to be invested may be invested in whole or in part in the Post Office Savings Bank.

3. Where a workman has been suspended and certified as provided in Condition 1, and while he is totally or partially prevented from earning a living by reason of such suspension, he shall be entitled to a weekly payment not exceeding fifty per cent. of his average weekly earnings at the time of such suspension, such payment not to exceed £1. The average may be taken over such period, not exceeding 12 months, as appears fair or reasonable having regard to all the circumstances of the case.

4. In fixing these weekly payments, regard shall be had to the difference between the amount of the average weekly earnings of the workman at the time of his suspension and the average amount, if any, which it is estimated that he will be able to earn afterwards in any occupation or employment, and to any payments (not being wages) which he may have received from the employer in respect of the suspension, and to all the circumstances of the case, including his age and expectation of life.

5. If it shall appear that any workman has persistently disobeyed the special rules or the directions given for his protection by his employers, and that such disobedience has conduced to his suspension, or has not presented himself for examination by the certifying surgeon, or has failed to give full information and assistance as provided in Condition 6, his conduct may be taken into consideration in assessing the amount of the weekly payments.

6. It shall be the duty of every workman at all times to submit to medical examination when required, and to give full information to the certifying surgeon, and to assist to the best of his power in the obtaining of all facts necessary to enable his physical condition to be ascertained.

7. Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration.

8. Any workman receiving weekly payments under this scheme shall submit himself if required for examination by a duly qualified medical practitioner provided and paid by the employer.

If the workman refuses to submit himself to such examination or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

9. If any dispute shall arise as to any certificate of the certifying surgeon, or as to the amount of compensation payable as herein provided, or otherwise in relation to these provisions, the same shall be decided by an arbitrator to be appointed by the employer and workman, or in default of agreement by the Secretary of State. The said arbitrator shall have all the powers of an arbitrator under the Arbitration Act, and his decision shall be final.

The fee of the arbitrator shall be fixed by the Secretary of State, and shall be paid as the arbitrator shall direct.

10. No compensation shall be payable under these provisions unless notice of claim in writing is made within six weeks of the date of the certificate of suspension, or of the death, provided that the want of such notice shall not bar the claim if in the opinion of the arbitrator there was reasonable excuse for the want of it.

A claim for compensation by any workman whose employment is intermittent, or casual, or who is regularly employed by more than one employer, shall only arise against the employers for whom he has worked in a process included in Schedule A within one month prior to his suspension. The said employers shall bear the compensation among them in such proportion as in default of agreement shall be determined by an arbitrator as herein provided.

11. "Employer" includes an occupier, a corporation, and the legal representatives of a deceased employer. "Workman" includes every person, male or female, whether his agreement be one of service or apprenticeship or otherwise, and is expressed or implied, orally or in writing, and shall include the personal representatives of a deceased workman. "Dependants" has the same meaning as in the Workmen's Compensation Act, 1897.

The terms contained in this notice shall be deemed to be part of the contract of employment of all workmen in the above-named processes.

MANUFACTURE OF EXPLOSIVES

(in which di-nitro-benzole is used).

1. No person to be employed without a medical certificate, stating that he or she is physically fit for such employment.

2. An examination of the workers at their work to be made at least once a fortnight by a certifying surgeon, who shall have power to order temporary suspension or total change of work for any person showing symptoms of suffering from the poison, or if after a fair trial he is of opinion that any person is by constitution unfit, he shall direct that such person shall cease to be employed.

3. A supply of fresh milk, and of any drug that the medical officer may consider desirable, shall be kept where the workers in his opinion may require it.

4. No meals to be taken in the workrooms.

5. There shall be provided separate lavatories for men and women, with a good supply of hot water, soap, nail brushes, and towels, and whenever the skin has come in contact with di-nitro-benzole, the part shall be immediately washed.

6. Overall suits and head coverings shall be supplied to all workers in shops where di-nitro-benzole is used, these suits to be taken off or well brushed before meals and before leaving the works, and to be washed at least once a week.

7. Suitable respirators (capable of being washed), folds of linen, or woollen material of open texture, or other suitable material, shall be supplied to those workers liable to inhale dust, and the wearing of such respirators shall be urged where the workers derive benefit from their use.

8. Where di-nitro-benzole has to be handled, the hands shall always be protected from direct contact with it, either by the use of indiarubber gloves (kept perfectly clean, especially in the inner side), or by means of rags which shall be destroyed immediately after use.

9. Where di-nitro-benzole is broken by hand, the instrument used shall be a wooden bar, spade, or tool with a handle long enough to prevent the worker's face from coming into near contact with the material.

10. In all rooms or sheds in which the process, either of purifying, grinding, mixing materials of which di-nitro-benzole forms a part, is carried on, efficient "cows," ventilating shafts, and mechanical ventilating fans shall be provided to carry off the dust or fumes generated.

11. Drying stoves shall be efficiently ventilated, and, when possible, be charged and drawn at fixed times, and a free current of air shall be admitted for some time prior to the workers entering to draw either a part or the whole of the contents.

12. In the process of filling cartridges, the material shall not be touched by hand, but suitable scoops shall be used, and where patent ventilated cartridge filling machines are not used, there shall be efficient mechanical ventilation arranged in such a manner, that the suction shall draw the fumes or dust away from and not across or over the faces of the workers.

13. A register, in a prescribed form, shall be kept, and it shall be the duty of a responsible person named by the firm to enter, at least once a week, a statement that he has personally satisfied himself that each and all of the special rules have been observed, or if not, the reasons for such non-observance. The surgeon to enter in this register the dates of his visits, the results of such visits, and any requirement made by him.

14 The "dipping" rooms to be efficiently ventilated.

CHEMICAL WORKS.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least 3 feet in height above the ground or platform. Those already in existence which are less than 3 feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of 3 feet is impracticable, shall be securely fenced.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage.

3. Caustic pots shall be of such construction that there shall be no footing on the top or sides of the brickwork, and dome-shaped lids shall be used where possible.

4. No unfenced planks or gangways shall be placed across open pots, pans, or other structures containing liquid of a dangerous character. This rule shall not apply to black ash vats where the vats themselves are otherwise securely fenced.

5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled.

6. The lighting of all dangerous places shall be made thoroughly efficient.

7. Every place where caustic soda or caustic potash is manufactured shall be supplied with syringes or wash bottles, which shall be enclosed in covered boxes fixed in convenient places, in the proportion of one to every four caustic pots. They shall be of suitable form and size, and be kept full of clean water. Similar appliances shall be provided wherever, in the opinion of an inspector, they may be desirable.

8. Overalls, kept in a cleanly state, shall be provided for all workers in any room where chlorate of potash or other chlorate is ground. In every such room a bath shall be kept ready for immediate use.

In every chlorate mill, tallow or other suitable lubricant shall be used instead of oil.

9. Respirators charged with moist oxide of iron or other suitable substance, shall be kept in accessible places ready for use in cases of emergency arising from sulphuretted hydrogen or other poisonous gases.

10. In salt cake departments suitable measures shall be adopted by maintaining a proper draught, and by other means to obviate the escape of low-level gases.

11. Weldon bleaching powder chambers, after the free gas has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognised under the Alkali Act. Such tests shall be duly entered in a register kept for the purpose.

All chambers shall be ventilated, as far as possible, when packing is being carried on, by means of open doors on opposite sides and openings in the roof so as to allow of a free current of air.

12. In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“ If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

MANUFACTURE OF BICHROMATE OR CHROMATE OF POTASSIUM OR SODIUM.

In these Rules “person employed in a chrome process” means a person who is employed in any work involving contact with chromate or bichromate of potassium or sodium, or involving exposure to dust or fumes arising from the manufacture thereof.

Any approval given by the Chief Inspector in pursuance of Rule 10 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

Open pans, &c.
containing
dangerous liquid.

1. No uncovered pot, pan, or other structure containing liquid of a dangerous character shall be so constructed as to be less than 3 feet in height above the adjoining ground or platform.

This rule shall not apply to any pot, pan, or other structure constructed before January 1st, 1899, or in which a height of 3 feet is impracticable by reason of the nature of the work to be carried on: provided in either case that the structure is securely fenced.

2. There shall be a clear space round all pots, pans, or other structures containing liquid of a dangerous character, except where any junction exists, in which case a barrier shall be so placed as to prevent passage.

3. No unfenced plank or gangway shall be placed across any pot, pan, or other structure containing liquid of a dangerous character.

Lighting.

4. The lighting of all dangerous places shall be made thoroughly efficient.

Grinding,
separating,
and mixing of
raw materials.

5. The grinding, separating, and mixing of the raw materials (including chrome ironstone, lime, and sodium and potassium carbonate) shall not be done without such appliances as will prevent as far as possible, the entrance of dust into the workrooms.

Batches.

6. “Batches,” when withdrawn from the furnaces, shall either be placed in the keaves or vats while still warm, or be allowed to cool in barrows, or other receptacles.

7. Evaporating vessels shall be covered in, and shall be provided with ventilating shafts to carry the steam into the outside air. Evaporating vessels.

8. Packing or crushing of bichromate of potassium or sodium shall not be done except under conditions which secure either the entire absence of dust or its effectual removal by means of a fan. Packing and crushing of bichromate.

9. No child or young person shall be employed in a chrome process. Are.

10. The occupier shall, subject to the approval of the Chief Inspector, appoint a duly qualified medical practitioner (in these Rules referred to as the appointed surgeon), who shall examine all persons employed in chrome processes at least once in every month, and shall undertake any necessary medical treatment of disease contracted in consequence of such employment, and shall, after the 30th day of April 1900, have power to suspend any such person from work in any place or process. Monthly medical examination. S. suspension.

(b) No person after such suspension shall be employed in any chrome process without the written sanction of the appointed surgeon.

(c) A register shall be kept in a form approved by the Chief Inspector, and shall contain a list of all persons employed in any chrome process. The appointed surgeon shall enter in the register the dates and results of his examinations of the persons employed and particulars of any treatment prescribed by him. The register shall be produced at any time when required by H.M. Inspectors of factories or by the appointed surgeon. Health register.

11. Requisites (approved by the appointed surgeon) for treating slight wounds and ulcers shall be kept at hand and be placed in charge of a responsible person. Requisites for treating slight wounds and ulcers.

12. The occupier shall provide sufficient and suitable overall suits for the use of all persons engaged in the processes of grinding the raw materials; and sufficient and suitable overall suits or other adequate means of protection approved in writing by the appointed surgeon, for the use of all persons engaged in the crystal department or in packing. Overalls and respirators.

Respirators, approved by the appointed surgeon, shall be provided for the use of all persons employed in packing or crushing bichromate of sodium or potassium.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

The overalls and respirators shall be thoroughly washed or renewed every week.

13. The occupier shall provide and maintain a cloak-room in which workers can deposit clothing put off during working hours. Cloak-room.

14. The occupier shall provide and maintain a lavatory for use of the persons employed in chrome processes; with soap, nail brushes, and towels, and a constant supply of hot and cold water laid on to each basin. There shall be at least one lavatory basin. Lavatory.

for every five persons employed in the crystal department and in packing. Each such basin shall be fitted with a waste pipe, or shall be placed in a trough fitted with a waste pipe.

Baths. 15. The occupier shall provide and maintain sufficient baths and dressing rooms for all persons employed in chrome processes, with hot and cold water laid on, and a sufficient supply of soap and towels; and shall cause each person employed in the crystal department and in packing to take a bath once a week at the factory.

Bath register. A bath register shall be kept containing a list of all persons employed in the crystal department and in packing, and an entry of the date when each person takes a bath.

The bath register shall be produced at any time when required by H.M. Inspectors of Factories.

Cleaning of floors, &c. 16. The floors, stairs, and landings, shall be cleaned daily.

DUTIES OF PERSONS EMPLOYED.

Batches. 17. No person shall deposit a "batch" when withdrawn from the furnace upon the floor nor transfer it to the keaves or vats otherwise than as prescribed in Rule 6.

Packing and crushing of bichromate. 18. No person shall pack or crush bichromate of potassium or sodium otherwise than as prescribed in Rule 8.

Medical examination. 19.—(a) Every person employed in a chrome process shall present himself at the appointed times for examination by the appointed surgeon, as provided in Rule 10.

(b) After the 30th day of April 1900 no person suspended by the appointed surgeon shall work in a chrome process without his written sanction.

Overalls. 20. Every person engaged in the processes of grinding the raw materials shall wear an overall suit, and every person engaged in the crystal department or in packing shall wear an overall suit or other adequate means of protection approved by the appointed surgeon.

Respirators. Every person employed in packing or crushing bichromate of sodium or potassium shall in addition wear a respirator while so occupied.

Washing. 21. Every person employed in the processes named in Rule 20 shall before leaving the premises deposit the overalls and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

Bathing. 22. Every person employed in the crystal department and in packing shall take a bath at the factory at least once a week; and, having done so, he shall at once sign his name in the bath register with the date.

Neglect to be reported. 23. The foreman shall report to the manager any instance coming under his notice of a workman neglecting to observe these Rules.

February 1900.

NOTE.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention of them, is liable to a penalty; and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing, and to the best of his power, enforcing the Rules, to prevent the contravention or non-compliance.—(*Factory and Workshop Act, 1891, sections 9 and 11*)

TINNING AND ENAMELLING OF IRON HOLLOW WARE (*with the aid of Lead or Arsenic*).

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing Rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any Special Rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such Special Rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

SPINNING AND WEAVING OF FLAX.

WEAVING SHEDS

(in which artificial humidity is produced).

Ventilation.

An efficient 14-inch extracting fan shall be provided for every 2,500 square feet of floor surface, such ventilation to be arranged to the satisfaction of the inspector of factories and to be kept in operation during working hours.

Humidity.

In every weaving factory where artificial humidity is produced, there shall be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers. A difference of at least two degrees shall be kept during working hours between the wet and dry bulbs (*e.g.*, dry bulb 75, wet bulb 73).

(1.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.

(2.) The occupier or manager, or person for the time being in charge of each factory, shall read the thermometers twice in the day, *viz.*, between ten o'clock and eleven o'clock in the forenoon, and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers, in the form and in accordance with the Regulations contained in Schedule B of the Cotton Cloth Factories Act, 1889, and the readings indicated at any time by the said thermometers shall be taken to represent the actual humidity of the room at such time.

(3.) The form in which the readings of each thermometer provide for in subsection (ii.) of this section are to be recorded shall be kept hung up near the thermometers; and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.

WET SPINNING ROOMS.

Where splashboards are not provided, waterproof overalls or aprons shall be provided by the occupier for all the workers, such overalls or aprons to be sufficient to protect the lower part of the chest to the satisfaction of the inspector.

The lids of the troughs shall be kept in perfect repair to check escape of steam.

Floors shall be kept in sound condition so as to prevent retention or accumulation of water.

The same Rules shall be adopted with respect to humidity as are required in the weaving sheds.

WET SPINNING ROOMS AND WEAVING FACTORIES.

Whenever steam is injected into any room, the pipes conveying the same shall be jacketed with non-conducting composition to the satisfaction of the Inspector of Factories.

ROUGHING AND SORTING AND HAND HACKLING ROOMS.

Exhaust fans shall be provided so as to draw the dust forward and down from the face of the worker, unless some other arrangement shall be found equally effective, to the satisfaction of the factory inspector.

Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

MACHINE HACKLING ROOMS.

Preparation and Card Rooms.

Exhaust fans shall be provided on the side of the room where the machines are, and inlets provided from 6 to 7 feet from the ground on the opposite side, unless some other arrangements of such fans shall be found equally effective.

Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

DRESSING ROOMS.

Dressing rooms must be ventilated so as to render harmless any gas, vapour, or other impurities.

TINNING AND ENAMELLING OF METAL HOLLOW WARE AND COOKING UTENSILS *(with the aid of Lead or Arsenic).*

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

Every worker shall wash face and hands before meals and before leaving the works.

No worker shall eat food in any room where the process of tinning or enamelling is carried on.

WORKS IN WHICH YELLOW CHROMATE OF LEAD IS USED

Or in which goods dyed with it undergo the processes of bundling or noddling, winding, reeling, weaving, or any other treatment.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom salts and of the sanitary drink mentioned below or some other approved by Her Majesty's inspector of factories.

Respirators :

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink :

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon, sufficient to flavour.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which yellow chromate of lead is used in the manufacture.

MIXING AND CASTING OF BRASS AND OF CERTAIN OTHER ALLOYS

(viz., Gun Metal, Bell Metal, White Metal, Delta Metal, Phosphor Bronze, and Manilla Mixture).

DUTIES OF OCCUPIERS.

1. They shall provide adequate means for facilitating, as far as possible, the emission or escape from the shop of any noxious fumes or dust arising from the above-named processes. Such

means shall include the provision of traps or of louver gratings in the roof or ceiling of any shop in which such processes, or either of them, is or are carried on, or in case of a mixing or casting shop which is situated under any other shop, there shall be provided an adequate flue or shaft (other than any flue or shaft in connection with a furnace or fireplace) to carry any fumes from the mixing or casting shop, by or through any shop that may be situated above it.

2. They shall cause all such mixing or casting shops, whether defined as factories or as workshops under the Factory and Workshop Act, 1878, to be cleaned down and limewashed once at least within every twelve months, or once within every six months if so required by notice in writing from H. M. Inspector of Factories and Workshops, dating from the time when these were last thus cleaned down and limewashed; and they shall record the dates of such cleaning down and limewashing in a prescribed form of register.

3. They shall provide a sufficient supply of metal basins, water, and soap, for the use of all persons employed in such mixing or casting shops.

4. They shall not employ, or allow within their factory or workshop the employment of, any woman or female young person, in any process whatever, in any such mixing or casting shop, or in any portion thereof which is not entirely separated by a partition extending from the floor to the ceiling.

DUTIES OF PERSONS EMPLOYED.

5. They shall not partake of, or cook any food in any such mixing or casting shop, within a period of at least ten minutes after the completion of the last pouring of metal in that shop.

NOTE.—Women and young persons under 18 years of age must not be allowed to take a meal in any casting shop or to remain there during the time stated on the notice affixed in the works as being allowed for meals.

NOTE.—These Rules must be kept posted up in conspicuous places in the works to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention of them, is liable to a penalty; and in such case the occupier also is liable to a penalty unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing the rules, to prevent the contravention or non-compliance.

WOOL-SORTING.**DUTIES OF OCCUPIERS.**

1. Bales of wool or hair shall, whenever opened for the purpose of being sorted, be so opened by men skilled in judging of the quality and condition of the material.

2. All Alpaca, Pelitan, Cashmere, and Camel hair shall be opened over a fan with a downward draught, in a room specially set apart for the purpose, separate and distinct from any sorting room, and from any room in which work (other than opening) is carried on. All Persian shall be opened and sorted in a room specially set apart for this purpose.

3. Van Mohair shall be washed and sorted while damp, if sorted at all.

Damaged wool or hair, fallen fleeces, and foreign skin-wool, or hair of the description named in Rules 2 and 4, shall be washed before being sorted.

4. No Alpaca, Cashmere, Persian, Camel Hair, or Mohair shall be sorted except in rooms provided with extracting fans, so arranged that each sorting-board shall be independently connected with the extracting shaft by means of a funnel-shaped opening not less than 10 inches across at the top in such manner that the dust may be drawn downwards. The draught shall be maintained in constant efficiency while the sorters are at work, and shall be such that not less than 75 cubic feet of air per minute are drawn by the fan from beneath each sorting-board.

The extracting shaft shall be cleaned out at least once in each week.

5. The dust collected by the fan shall be discharged into properly constructed receptacles. This dust, together with the sweepings from the floors and walls of the sorting-room and from under the sorting-boards, shall be removed at least twice a week and burnt. All pieces of skin, scab, and clippings or "shearlings" shall be removed daily from the sorting-rooms, and be disinfected or destroyed. All bags in which dangerous wool or hair has been imported shall be picked clean and not brushed.

6. No person having any open cut or sore upon any part of his body shall be allowed to sort.

7. Proper provision shall be made for the keeping of the sorters' clothing and food outside of the sorting-room. No meals shall be allowed to be taken in the sorting-room.

During meal hours the windows shall be kept open.

8. No Bale-wool or hair shall be stored in a sorting room, nor wool of any description unless the same be effectually screened off

from the sorting-room. An air space of at least 1,000 cubic feet shall be allowed for each sorter, exclusive of any portion screened off.

9. The floor of the sorting-room shall be thoroughly sprinkled daily with a disinfectant solution, and swept daily (immediately after sprinkling) after the work is done.

10. The walls and ceilings of the sorting-room shall be limewashed at least once a year.

11. Requisites for treating scratches and slight wounds shall be kept at hand.

12. Proper and sufficient appliances for washing, including basins, water, soap, nail-brushes and towels, shall be provided in or near the sorting-rooms, for the use of the sorters.

DUTIES OF PERSONS EMPLOYED.

13. If, on opening a bale of wool or hair, any fallen fleece or damaged material is discovered, the person opening the bale shall report the discovery immediately to the foreman.

14. Every sorter having an open cut or sore on any part of his body shall immediately report the fact to the foreman.

15. No sorter shall keep in the sorting-room coats or other articles of clothing besides those he is wearing. No meals shall be taken in the sorting-room.

16. If the draught at any sorting-board, or the fan or any other appliance necessary to the production of such draught, is found to be out of order, the sorter, or any other person becoming aware of the defect, shall report it to the foreman at once.

BOTTLING OF AERATED WATER.

DUTIES OF OCCUPIERS.

1. They shall provide all bottlers with face-guards, masks, or Face-guards, veils of wire gauze.

They shall provide all wirers, sighters, and labellers with face-guards, masks, or veils of wire gauze, or goggles.

2. They shall provide all bottlers with full length gauntlets for Gauntlets, both arms.

They shall provide all wirers, sighters, and labellers with gauntlets for both arms protecting at least half of the palm and the space between the thumb and forefinger.

Fencing.

3. They shall cause all machines for bottling to be so constructed, so placed, or so fenced, as to prevent as far as possible, during the operation of filling or corking, a fragment of a bursting bottle from striking any bottler, wirer, sighter, labeller, or washer.

DUTIES OF PERSONS EMPLOYED.**Face-guards.**

4. All bottlers shall, while at work, wear face-guards, masks, or veils of wire gauze.

All wirers, sighters, and labellers shall, while at work, wear face-guards, masks, or veils of wire gauze, or goggles; except labellers when labelling bottles standing in cases.

Gauntlets.

5. All bottlers shall, while at work, wear on both arms full length gauntlets. All wirers, sighters, and labellers shall, while at work, wear on both arms gauntlets protecting at least half of the palm and the space between the thumb and forefinger; except labellers when labelling bottles standing in cases.

August 1897.

NOTE.—These Rules are required to be posted up in conspicuous places in the factory or workshop to which they apply, where they may be conveniently read by the persons employed. Any person who wilfully injures or defaces them is liable to a penalty of five pounds. Occupiers of factories and workshops, and persons employed therein, who are bound to observe any Special Rules, are liable to penalties for non-compliance.—(*Factory and Workshop Act, 1891, sections 9 and 11.*)

The employer is required to provide the articles mentioned in the Rules and to take all reasonable precautions to the best of his power to enforce their use, but the responsibility for the actual wearing of them rests with the person employed.

VULCANISING OF INDIA-RUBBER BY MEANS OF BISULPHIDE OF CARBON.

I.—DUTIES OF EMPLOYERS.

1. No child or young person shall be employed in any room in which bisulphide of carbon is used.

2. After May 1st, 1898, no person shall be employed for more than five hours in any day in a room in which bisulphide of carbon is used, nor for more than two-and-a-half hours at a time without an interval of at least an hour.

3. In vulcanising waterproof cloth by means of bisulphide of carbon—

- (a) the trough containing the bisulphide of carbon shall be self-feeding and covered over;
- (b) the cloth shall be conveyed to and from the drying-chamber by means of an automatic machine;
- (c) no person shall be allowed to enter the drying-chamber in the ordinary course of work;
- (d) the machine shall be covered over and the fumes drawn away from the workers by means of a downward suction fan maintained in constant efficiency.

4. Dipping shall not be done except in boxes so arranged that a suction fan shall draw the fumes away from the workers.

5. No food shall be allowed to be eaten in any room in which bisulphide of carbon is used.

6. A suitable place for meals shall be provided.

7. All persons employed in rooms in which bisulphide of carbon is used shall be examined once a month by the certifying surgeon for the district, who shall, after May 1st 1898, have power to order temporary or total suspension from work.

8. No person shall be employed in any room in which bisulphide of carbon is used, contrary to the direction of the certifying surgeon given as above.

9. A register in the form which has been prescribed by the Secretary of State for use in india-rubber works shall be kept, and in it the certifying surgeon will enter the dates and result of his visits, with the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in rooms in which bisulphide of carbon is used, and shall be produced at any time when required by H.M. Inspector of Factories or by the certifying surgeon.

II.—DUTIES OF PERSONS EMPLOYED.

10. No person shall enter the drying room in the ordinary course of work, or perform dipping except in boxes provided with a suction fan carrying the fumes away from the workers.

11. No person shall take any food in any room in which bisulphide of carbon is used.

12. After May 1st, 1898, no person shall, contrary to the direction of the certifying surgeon, given in pursuance of Rule 7, work in any room in which bisulphide of carbon is used.

13. All persons employed in rooms in which bisulphide of carbon is used shall present themselves for periodic examination by the certifying surgeon, as provided in Rule 7.

Age.

14. It shall be the duty of all persons employed to report immediately to the employer or foreman any defect which they may discover in the working of the fan or in any appliance required by these Rules.

1897.

NOTE.—These Rules are required to be posted up in conspicuous places in the factory or workshop to which they apply, where they may be conveniently read by the persons employed. Any person who wilfully injures or defaces them is liable to a penalty not exceeding five pounds. Occupiers of factories and workshops, and persons employed therein, who are bound to observe these Rules, are liable to penalties in case of non-compliance. — (*Factory and Workshop Act, 1891, sections 9 and 11.*)

MAKING TRANSFERS FOR EARTHENWARE AND CHINA.

DUTIES OF OCCUPIERS.

Age.

1. No person under 15 years of age shall be employed in making transfers for earthenware or china.

Monthly examination.

2. All women and young persons employed shall be examined once a month by the certifying surgeon for the district, who shall after May 1st 1899 have power to order suspension from employment.

No person after such suspension shall be allowed to work without the written sanction of the certifying surgeon.

Health register.

3. A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the certifying surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed, and shall be produced at any time when required by H.M. Inspector of Factories or by the certifying surgeon.

Overalls and head coverings.

4. The occupier shall provide and maintain suitable overalls and head coverings for all women and young persons employed in rooms in which colour processes are carried on.

All overalls and head coverings shall be kept by the occupier in proper custody, and shall be washed at least once a week, and suitable arrangements shall be made for carrying out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

It shall be a sufficient compliance with the requirements of this rule as to head coverings if they are made of suitable glazed paper and renewed once a week. The head coverings shall be made so as

completely to cover the hair and to the satisfaction of the Inspector.

5. No person shall be allowed to prepare or partake of any food ^{Food.} or drink, or to remain during meal-times, in any place in which is carried on the making of transfers.

The occupier shall make suitable provision to the reasonable satisfaction of the Inspector in charge of the district for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories.

6. Transfer making shall not be carried on without the use of ^{Dust.} exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

7. The occupier shall provide and maintain sufficient and suitable ^{Lavatories.} washing conveniences for all persons employed, as near as is practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste pipe.

DUTIES OF PERSONS EMPLOYED.

8. All women and young persons employed shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 2. ^{Monthly examination.}

No person after suspension by the certifying surgeon shall work without the written sanction of the certifying surgeon.

9. Every person employed in any room in which colour processes ^{Overalls.} are carried on shall, when at work, wear an overall suit and head covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed. All overalls and head coverings shall be washed or renewed at least once a week.

The overalls and head coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

It shall be a sufficient compliance with the requirements of this Rule as to head coverings if they are made of suitable glazed paper and renewed once a week. The head coverings shall be made so as completely to cover the hair and to the satisfaction of the Inspector.

- Food.** 10. No person shall remain during meal-times in any place in which is carried on the making of transfers; or prepare or partake of any food or drink therein at any time.
- Ventilation.
Dust.** 11. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and for the removal of dust.
- Washing.** 12. No person employed shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

January 1899.

NOTE.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed.

Any person who is bound to observe these rules and fails to do so or acts in contravention of them, is liable to a penalty; and in such case the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing and to the best of his power enforcing the Rules to prevent the contravention or non-compliance.—(*Factory and Workshop Act, 1891, sections 9 and 11.*)

DRY AND DRY-SALTED HIDES AND SKINS IMPORTED FROM CHINA OR FROM THE WEST COAST OF INDIA.

DUTIES OF OCCUPIER.

- Storage of food
and clothing.** 1. Proper provision to the reasonable satisfaction of the inspector in charge of the district shall be made for the keeping of the workmen's food and clothing outside any room or shed in which any of the above-described hides or skins are unpacked, sorted, packed, or stored.
- Washing.** 2. Proper and sufficient appliances for washing, comprising soap, basins, with water laid on, nail-brushes and towels, shall be provided and maintained for the use of the workmen, to the reasonable satisfaction of the Inspector in charge of the district.
- Dressings.** 3. Sticking plaster, and other requisites for treating scratches and slight wounds, shall be kept at hand, available for the use of the persons employed.
- Note to be
exhibited.** 4. A copy of the appended notes shall be kept affixed with the Rules.

DUTIES OF PERSONS EMPLOYED.

5. No workman shall keep any food, or any articles of clothing other than those he is wearing, in any room or shed in which any of the above-described hides or skins are handled. Storage of food and clothing.

He shall not take any food in any such room or shed.

6. Every workman having any open cut or scratch on raw surface, however trifling, upon his face, head, neck, arm, or hand shall immediately report the fact to the foreman, and shall not work on the premises until the wound is healed or is completely covered by a proper dressing after being thoroughly washed. Wounds.

NOTE 1.—These rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention of them, is liable to a penalty; and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing and to the best of his power enforcing the Rules, to prevent the contravention or non-compliance.—(*Factory and Workshop Act, 1891, sections 9 and 11.*)

NOTE 2.—The danger against which these Rules are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of hides of animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust and in the substance of the hide, and may remain active for years. In this country anthrax is rare, and precautions are taken to prevent infected hides from coming into the market, consequently there is little danger in handling the hides of animals slaughtered in the United Kingdom: but in Russia, China, and the East Indies, and in many other parts of the world, the disease is common, and infected hides (which do not differ from others in appearance) are often shipped to British ports. Hence, in handling foreign dry hides the above rules should be carefully observed. Wet salted hides are free from dust, and less risk is incurred in handling them. Nature of the disease.

The disease is communicated to man sometimes by breathing or swallowing the dust from an infected hide, but much more usually by the poison lodging in some point where the skin is broken:—such as a fresh scratch or cut or a scratched pimple or even chapped hands. This happens most readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all on the neck; owing either to an infected hide rubbing against the bare skin, or to dust from such a hide alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil, often quite painless, which extends and in a few days becomes black at the centre and surrounded by other "pimples." The poison is now liable to be absorbed into the system and will cause risk to life, which can be avoided only by prompt and effective medical treatment in the early stage while the poison is still confined to the pimple. Hence it is of the utmost importance that a doctor should *at once* be consulted if there is any suspicion of infection.

NOTE 3.—Suitable overalls, protecting the neck and arms, as well as ordinary clothing, add materially to the safety of the workmen, and should be provided and worn, where practicable, if dangerous hides are handled. They should be discarded on cessation of work. Similarly, for the protection of the hands, gloves should be provided and worn where the character of the work permits.

WOOL-COMBING.

For the purpose of Rules 1, 2, 12 and 13 "opening" of any wool or hair means the opening of the fleece, or, if it be not in the fleece, the opening out for looking over, or classing purposes.

DUTIES OF EMPLOYERS.

Opening.

1. No Alpaca, Pelitan, Cashmere, Persian, or Camel-hair shall be opened except—

- (a) after steeping in water, or
- (b) over an efficient opening board.

For the purposes of this Rule, no opening board shall be considered efficient unless, over a central area of 4 square feet, the linear velocity of air passing through the screen shall average at least 150 feet per minute for each square foot, the measurements to be taken on a uniform system approved by H.M. Chief Inspector of Factories; and no opening board shall have an area of less than 7 square feet.

2. All badly-damaged wool or hair, fallen fleeces, and skin, wool, or hair of the kinds named in Rule 1, shall be opened by an experienced man in the manner prescribed in Rule 1 and damped with a disinfectant and then washed without being willowed.

3. Every bale of Van Mohair shall be steeped in water before being opened.

4. No Alpaca, Pelitan, Cashmere, Persian, Camel-hair, or Mohair shall be willowed except in a separate room provided with an

efficient exhaust fan* so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room.

No wool or hair shall be stored in a willowing room.

The floor of every such room shall be sprinkled daily with a disinfectant solution and swept immediately after sprinkling.

The walls and ceilings of every such room shall be limewashed at least once a year and swept down at least once a month.

5. The dust collected by the willows or other dust-extracting Dust machines and from the opening boards shall be discharged into properly constructed receptacles, and not into the open air. This dust shall be removed at least once a week.

6. Suitable provision shall be made for keeping the clothing and food of all persons who are employed in the warehouse or in any room in which is carried on willowing or opening or any other process through which the wool or hair passes before being washed. Storage of clothing and food.

7. No person having any open cut or sore upon any part of the Wounds. body shall be employed in a place specified in Rule 6.

8. No person shall be allowed to prepare or partake of any food Meals. in a place specified in Rule 6, or in a carding room.

9. Sufficient and suitable washing conveniences shall be provided Lavatory. and maintained for all persons employed in the places specified in Rule 6.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, each basin being fitted with a waste-pipe and having a constant supply of water laid on.

10. Requisites for treating scratches and slight wounds shall be Dressings. kept at hand.

DUTIES OF PERSONS EMPLOYED.

11. If, on opening a bale, any fallen fleeces or damaged material Opening is discovered, the person opening the bale shall report the discovery immediately to the foreman.

12. No Alpaca, Pelitan, Cashmere, Persian, or Camel-hair shall be opened otherwise than as permitted by Rule 1.

13. No badly damaged wool or hair, fallen fleeces, or skin, wool, or hair of the kinds named in Rule 1, shall be opened otherwise than as permitted by Rule 2.

14. No bale of Van Mohair shall be opened otherwise than as permitted by Rule 3.

15. No Alpaca, Pelitan, Cashmere, Persian, Camel-hair, or Mohair Willowing. shall be willowed except as permitted by Rule 4.

Wounds.

16. Any person employed in a place specified in Rule 6, and having an open cut or sore upon any part of the body, shall immediately report the fact to the foreman.

Storage of clothing and food.

17. No clothing or food shall be kept in any place specified in Rule 6.

Meals.

18. No person shall prepare or partake of food in a place specified in Rule 6, or in a carding room, or bring any food into such room.

Washing.

19. No person employed in any place specified in Rule 6 shall leave the works or partake of meals without previously washing his or her hands.

Failure of fan, &c.

20. If the fan or any other appliance necessary for the carrying out of these rules is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

May 1900.

MANUFACTURE OF FELT HATS

Where any inflammable solvent is used.

WHEREAS the manufacture of Felt Hats with the aid of inflammable solvent has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous. I hereby, in pursuance of the power conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which any inflammable solvent is used in the manufacture of Felt Hats :—

1. Every proofing room and every stove or drying room in which an inflammable solvent is evaporated shall be thoroughly ventilated to the satisfaction of the Inspector for the district, so as to carry off as far as possible the inflammable vapour.

2. The number of wet spirit-proofed hat bodies allowed to be in a proofing room at any one time shall not exceed the proportion of one hat for each 15 cubic feet of air space; and in no stove, whilst the first drying of any spirit-proofed hats is being carried on, shall the number of hat bodies of any kind exceed a proportion of one hat for each 12 cubic feet of air space.

A notice stating the dimensions of each such room or stove in cubic feet and the number of spirit-proofed hats allowed to be therein at any one time shall be kept constantly affixed in a conspicuous position.

3. Spirit-proofed hats shall be opened out singly and exposed for one hour before being placed in the stove. This requirement shall not apply in the case of a stove which contains no fire or artificial light capable of igniting inflammable vapour, and which is so con-

structed and arranged as, in the opinion of the Inspector for the district, to present no risk of such ignition from external fire or light.

4. The above Regulations, in so far as they affect drying stoves, shall not apply to the process of drying hat bodies where the solvent is recovered in a closed oven or chamber fitted with safe and suitable apparatus for the condensation of the solvent.

5. No person shall smoke in any room or place in which inflammable solvent is exposed to the air.

These regulations shall come into force on the 1st day of October, 1902.

A. AKERS-DOUGLAS,

One of His Majesty's Principal Secretaries of State.

12th August, 1902.

NOTE.—Printed copies of these Regulations must be kept posted up in conspicuous places in all factories or workshops to which they apply. A printed copy must also be supplied by the occupier to any person affected by them on his or her application.

Any person who fails to comply with these Regulations is liable to be prosecuted and fined.

FILE-CUTTING BY HAND.

WHEREAS the process of file-cutting by hand has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous: I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops (including tenement factories and tenement workshops) or parts thereof in which the process of file-cutting by hand is carried on:

Provided that the Chief Inspector of Factories may by certificate in writing exempt from all or any of these Regulations any factory or workshop in which he is satisfied that the beds used are of such composition as not to entail danger to the health of the persons employed.

1. The number of stocks in any room shall not be more than one stock for every 350 cubic feet of air space in the room; and in calculating air space for the purpose of this Regulation any space more than 10 feet above the floor of the room shall not be reckoned.

2. After the 1st day of January, 1904, the distance between the stocks measured from the centre of one stock to the centre of the next shall not be less than 2 feet 6 inches, and after the first day of January, 1905, the said distance shall not be less than 3 feet.

Distance between stocks.

Floors.

3. Every room shall have a substantial floor, the whole of which shall be covered with a washable material, save that it shall be optional to leave a space not exceeding 6 inches in width round the base of each stock. The floor of every room shall be kept in good repair.

Ventilators.

4. Efficient inlet and outlet ventilators shall be provided in every room. The inlet ventilators shall be so arranged and placed as not to cause a direct draught of incoming air to fall on the workmen employed at the stocks.

The ventilators shall be kept in good repair and in working order.

5. No person shall interfere with or impede the working of the ventilators.

Washing conveniences.

6. Sufficient and suitable washing conveniences shall be provided and maintained for the use of the file-cutters. The washing conveniences shall be under cover and shall comprise at least one fixed basin for every ten or less stocks. Every basin shall be fitted with a waste pipe discharging over a drain or into some receptacle of a capacity at least equal to one gallon for every file-cutter using the basin. Water shall be laid on to every basin either from the main or from a tank of a capacity of not less than $1\frac{1}{2}$ gallons to every worker supplied from such tank. A supply of clean water shall be kept in the said tank while work is going on at least sufficient to enable every worker supplied from such tank to wash.

Limewashing.

7. The walls and ceilings of every room except such parts as are painted or varnished or made of glazed brick shall be limewashed once in every six months ending the 30th of June, and once in every six months ending the 31st of December.

Washing of floor, &c.

8. The floor and such parts of the walls and ceiling as are not limewashed and the benches shall be cleansed once a week.

Work in dwelling-house.

9. If the factory or workshop is situated in a dwelling-house the work of file-cutting shall not be carried on in any room which is used as a sleeping place or for cooking or eating meals.

Clothing.

10. Every file-cutter shall when at work wear a long apron reaching from the shoulders and neck to below the knees. The apron shall be kept in a cleanly state.

Posting of regulations.

11. A copy of these Regulations and an Abstract of the Provisions of the Factory and Workshop Act, 1901, shall be kept affixed in the factory or workshop in a conspicuous place.

Duties of owners, occupiers, &c.

12. It shall be the duty of the occupier to carry out Regulations 1, 2, 3, 4, 6, 7, and 11; except that, in any room in a tenement factory or tenement workshop which is let to more than one occupier, it shall be the duty of the owner to carry out these regulations, except the last clause of Regulation 6, which shall be carried out by the occupiers.

It shall be the duty of the occupier or occupiers to carry out Regulation 8.

It shall be the duty of the occupier or occupiers and of every workman to observe Regulations 5, 9, and 10.

These Regulations shall come into force on the 1st day of September, 1903.

A. AKERS-DOUGLAS,

One of His Majesty's Principal Secretaries of State.

19th June, 1903.

NOTE.—Printed copies of these Regulations must be kept posted up in conspicuous places in all factories or workshops to which they apply. A printed copy must also be supplied by the occupier to any person affected by them on his or her application.

Any person who fails to comply with these Regulations is liable to be prosecuted and fined.

ELECTRIC ACCUMULATORS.

WHEREAS the manufacture of electric accumulators has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous: I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof in which electric accumulators are manufactured.

In these Regulations “lead process” means pasting, casting, lead burning, or any work involving contact with dry compounds of lead. Definitions.

Any approval given by the Chief Inspector of Factories in pursuance of these Regulations shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIER.

1. Every room in which casting, pasting, or lead burning is carried on shall contain at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height above 14 feet shall be taken into account. Ventilation.

These rooms and that in which the plates are formed shall be capable of through ventilation. They shall be provided with windows made to open.

2. Each of the following processes shall be carried on in such manner and under such conditions as to secure effectual separation from one another and from any other process:— Separation of processes.

- (a.) Manipulation of dry compounds of lead;
- (b.) Pasting;
- (c.) Formation, and lead burning necessarily carried on therewith;
- (d.) Melting down of old plates.

Provided that manipulation of dry compounds of lead carried on as in Regulation 5 (b) need not be separated from pasting.

Floors.

3. The floors of the rooms in which manipulation of dry compounds of lead or pasting is carried on shall be of cement or similar impervious material, and shall be kept constantly moist while work is being done.

The floors of these rooms shall be washed with a hose pipe daily.

Melting pots.

4. Every melting pot shall be covered with a hood and shaft so arranged as to remove the fumes and hot air from the workrooms.

Lead ashes and old plates shall be kept in receptacles specially provided for the purpose.

Manipulation of dry compounds of lead.

5. Manipulation of dry compounds of lead in the mixing of the paste or other processes, shall not be done except (a) in an apparatus so closed, or so arranged with an exhaust draught, as to prevent the escape of dust into the workroom: or (b) at a bench provided with (1) efficient exhaust draught and air guide so arranged as to draw the dust away from the worker, and (2) a grating on which each receptacle of the compound of lead in use at the time shall stand.

Covering of benches.

6. The benches at which pasting is done shall be covered with sheet lead or other impervious material, and shall have raised edges.

Prohibition of employment.

7. No woman, young person, or child shall be employed in the manipulation of dry compounds of lead or in pasting.

Appointed Surgeon.

8.—(a.) A duly qualified medical practitioner (in these Regulations referred to as the "Appointed Surgeon"), who may be the Certifying Surgeon, shall be appointed by the occupier, such appointment unless held by the Certifying Surgeon to be subject to the approval of the Chief Inspector of Factories.

Medical examination.

(b.) Every person employed in a lead process shall be examined once a month by the Appointed Surgeon, who shall have power to suspend from employment in any lead process.

(c.) No person after such suspension shall be employed in a lead process without written sanction entered in the Health Register by the Appointed Surgeon. It shall be sufficient compliance with this Regulation for a written certificate to be given by the Appointed Surgeon and attached to the Health Register, such certificate to be replaced by a proper entry in the Health Register at the Appointed Surgeon's next visit.

Health Register.

(d.) A Health Register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The Appointed Surgeon will enter in the Health Register the dates and results of his examinations of the persons employed and particulars of any directions given by him. He shall on a prescribed form furnish to the Chief Inspector of Factories on the 1st day of January in each year a list of the persons suspended by him during the previous year, the cause and duration of such suspension, and the number of examinations made.

The Health Register shall be produced at any time when required by H.M. Inspectors of Factories or by the Certifying Surgeon or by the Appointed Surgeon.

9. Overalls shall be provided for all persons employed in manipulating dry compounds of lead or in pasting.

The overalls shall be washed or renewed once every week.

10. The occupier shall provide and maintain: -

(a) a cloak-room in which workers can deposit clothing put off during working hours. Separate and suitable arrangements shall be made for the storage of the overalls required in Regulation 9. Cloak and dining rooms.

(b) a dining-room unless the factory is closed during meal hours.

11. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink, or tobacco, in any room in which a lead process is carried on. Suitable provision shall be made for the deposit of food brought by the workers. Food, &c.

This regulation shall not apply to any sanitary drink provided by the occupier and approved by the Appointed Surgeon.

12. The occupier shall provide and maintain for the use of the persons employed in lead processes a lavatory, with soap, nail-brushes, towels, and at least one lavatory basin for every five such persons. Each such basin shall be provided with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin. Washing.

Or, in the place of basins the occupier shall provide and maintain troughs of enamel or similar smooth impervious material, in good repair, of a total length of two feet for every five persons employed, fitted with waste pipes, and without plugs, with a sufficient supply of warm water constantly available.

The lavatory shall be kept thoroughly cleansed and shall be supplied with a sufficient quantity of clean towels once every day.

13. Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of dry compounds of lead or in pasting.

Provided that if the lavatory accommodation specially reserved for such persons exceeds that required by Regulation 12, the time allowance may be proportionately reduced, and that if there be one basin or two feet of trough for each such person this Regulation shall not apply.

14. Sufficient bath accommodation shall be provided for all persons engaged in the manipulation of dry compounds of lead or in pasting, with hot and cold water laid on, and a sufficient supply of soap and towels. Baths.

This rule shall not apply if in consideration of the special circumstances of any particular case, the Chief Inspector of Factories

approves the use of local public baths when conveniently near, under the conditions (if any) named in such approval.

Cleaning.

15. The floors and benches of each workroom shall be thoroughly cleansed daily, at a time when no other work is being carried on in the room.

DUTIES OF PERSONS EMPLOYED.**Medical examination.**

16. All persons employed in lead processes shall present themselves at the appointed times for examination by the Appointed Surgeon as provided in Regulation 8.

No person after suspension shall work in a lead process, in any factory or workshop in which electric accumulators are manufactured, without written sanction entered in the Health Register by the Appointed Surgeon.

Overalls.

17. Every person employed in the manipulation of dry compounds of lead or in pasting shall wear the overalls provided under Regulation 9. The overalls, when not being worn, and clothing put off during working hours, shall be deposited in the places provided under Regulation 10.

Food, &c.

18. No person shall introduce, keep, prepare, or partake of any food, drink (other than any sanitary drink provided by the occupier and approved by the Appointed Surgeon), or tobacco in any room in which a lead process is carried on.

Washing.

19. No person employed in a lead process shall leave the premises or partake of meals without previously and carefully cleaning and washing the hands.

Baths.

20. Every person employed in the manipulation of dry compounds of lead or in pasting shall take a bath at least once a week.

Interference with safety appliances.

21. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust or fumes, and for the carrying out of these regulations.

These Regulations shall come into force on the 1st day of January, 1904.

A. AKERS-DOUGLAS,

One of His Majesty's Principal Secretaries of State.

21st November, 1903.

NOTE.—Printed copies of these Regulations must be kept posted up in conspicuous places in all factories or workshops to which they apply. A printed copy must also be supplied by the occupier to any person affected by them on his or her application.

Any person who fails to comply with these Regulations is liable to be prosecuted and fined.

DOCKS, &c.

Processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf or quay, and the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

WHEREAS the processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf, or quay, and the processes of loading, unloading and coaling any ship in any dock, harbour, or canal have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous:—

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations for the protection of persons employed in the processes or in any of them, and direct that they shall apply to all docks, wharves, quays, and ships as aforesaid.

These Regulations shall come into force on the 1st of January, 1905, except that so much of Regulations 6 and 8 as require structural alterations shall come into force on the 1st of January, 1908.

Nothing in Parts 2 to 6 inclusive of these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish.

The Secretary of State may by order in writing exempt from all or any of the Regulations and for such time and subject to such conditions as he may prescribe any docks, wharves or quays in respect of which application for such exemption shall have been made to him by the Department of Agriculture and Technical Instruction for Ireland or by the Congested District Boards for Ireland.

DEFINITIONS.

In these Regulations:—

Definitions.

“Processes” means the processes above mentioned; or any of them.

“Person employed” means a person employed in the above processes or any of them.

“Shallow canal” includes any of the following parts of a canal, canalised river, non-tidal river, or inland navigation:—

(a.) Any part having no means of access to tidal waters except through a lock not exceeding ninety feet in length;

(b.) Any part not in frequent use for the processes; and

(c.) Any part at which the depth of water within fifteen feet of the edge does not ordinarily exceed five feet.

DUTIES.

It shall be the duty of the person having the general management and control of a dock, wharf, or quay, to comply with Part I. of these Regulations; provided that if any other person has the exclusive right to occupation of any part of the dock, wharf, or quay, and has the general management and control of such part

Duties.

the duty in respect of that part shall devolve upon that other person; and further provided that this part of these Regulations shall not apply to any shallow canal.

It shall be the duty of the owner, master, or officer in charge of a ship to comply with Part II. of these Regulations.

It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried on board a ship not being a ship registered in the United Kingdom it shall also be the duty of the master of such ship, to comply with Part III. of these Regulations.

It shall be the duty of every person who by himself, his agents or workmen carries on the processes, and of all agents, workmen, and persons employed by him in the processes, to comply with Part IV. of these Regulations.

It shall be the duty of all persons, whether owners, occupiers, or persons employed, to comply with Part V. of these Regulations.

Part VI. of those Regulations shall be complied with by the persons on whom the duty is placed in that Part.

PART I.

Fencing dangerous places.

1. The following parts of every dock, wharf, or quay shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than two feet six inches, and the fencing shall be maintained in good condition ready for use.

- (a.) All breaks, dangerous corners, and other dangerous parts of edges of a dock, wharf, or quay,
- (b.) Both sides of such footways over bridges, caissons, and dock gates as are in general use by persons employed, and each side of the entrance at each end of such footway for a sufficient distance not exceeding five yards.

Rescue from drowning.

2. Provision for the rescue from drowning of persons employed shall be made and maintained, and shall include:—

- (a.) A supply of life-saving appliances, kept in readiness on the wharf or quay, which shall be reasonably adequate having regard to all the circumstances.
- (b.) Means at or near the surface of the water at reasonable intervals, for enabling a person immersed to support himself or escape from the water, which shall be reasonably adequate having regard to all the circumstances.

Lighting of dock, wharf, or quay.

3. All places in which persons employed are employed at night, and any dangerous parts of the regular road or way over a dock, wharf, or quay, forming the approach to any such place from the nearest highway, shall be efficiently lighted.

Provided that the towing path of a canal or canalised river shall not be deemed to be "an approach," for the purpose of this Regulation.

PART II.

4. If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling, there shall be means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship, as follows:—

Access to ship.

- (a.) Where a gangway is reasonably practicable a gangway not less than twenty-two inches wide, properly secured, and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains, or by other equally safe means.
- (b.) In other cases a secure ladder of adequate length.

Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways, if other proper means of access is provided in conformity with these Regulations.

Provided that as regards any sailing vessel not exceeding 250 tons nett register tonnage and any steam vessel not exceeding 150 tons gross registered tonnage this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

5. If a ship is alongside any other ship, vessel, or boat, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

If one of such ships, vessels, or boats is a sailing barge, flat, keel, lighter or other similar vessel of relatively low freeboard the means of access shall be provided by the ship which has the higher freeboard.

6. If the depth from the top of the coamings to the bottom of the hold exceeds six feet there shall be maintained safe means of access by ladder or steps from the deck to the hold in which work is being carried on, with secure hand-hold and foot-hold continued to the top of the coamings.

Access to hold.

In particular such access shall not be deemed to be safe:—

- (a.) Unless the ladders between the lower decks are in the same line as the ladder from the main deck, if the same is practicable having regard to the position of the lower hatchway or hatchways.
- (b.) Unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder sufficient room for a man's feet.
- (c.) If there is not room to pass between a winch and the coamings at the place where the ladder leaves the deck.
- (d.) If the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway.

Lighting of ship. 7. When the processes are being carried on between one hour after sunset and one hour before sunrise (a) the places in the hold and on the decks where work is being carried on, and (b) the means of access provided in pursuance of Regulations 4 and 5, shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed and of the navigation of other vessels and to the duly approved bye-laws or Regulations of any authority having power by statute to make bye-laws or Regulations subject to approval by some other authority.

Lifting out hatchway beams. 8. All iron fore and aft beams and thwart ship beams used for hatchway covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

PART III.

Testing and examination of machinery chains and gear. 9. All machinery and chains and other gear used in hoisting, or lowering, in connection with the processes, shall have been tested, and shall be periodically examined. All such chains shall be effectually softened by annealing or firing when necessary, and all half-inch or smaller chains in general use shall be so annealed or fired once in every six months.

If the chains are part of the outfit carried by a seagoing ship it shall be a sufficient compliance with this Regulation as regards softening by annealing or firing of half-inch or smaller chains, that no such chains shall be used unless they have been so annealed or fired within six months preceding.

Register of chains. As regards chains, the safe-loads indicated by the test, the date of last annealing and any other particulars prescribed by the Secretary of State, shall be entered in a register which shall be kept on the premises, unless some other place has been approved in writing by the Chief Inspector.

Fencing of machinery. 10. All motors, cog-wheels, chain and friction-gearing, shafting and live electric conductors used in the processes shall (unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship and without infringing any requirement of the Board of Trade.

Cranes and winches.
Reversing gear. 11. The lever controlling the link motion reversing gear of a crane or winch used in the processes shall be provided with a suitable spring or other locking arrangement.

Safe-loads. 12. Every shore crane used in the processes shall have the safe-load plainly marked upon it, and if so constructed that the jib may be raised or lowered, either shall have attached to it an automatic indicator of safe-loads or shall have marked upon it a table showing the safe-loads at the corresponding inclinations of the jib.

13. The driver's platform on every crane or tip driven by mechanical power and used in the processes shall be securely fenced, and shall be provided with safe means of access. Fencing driver's platform.

14. Adequate measures shall be taken to prevent exhaust steam from any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay, where any person is employed. Exhaust steam.

PART IV.

15. No machinery or gear used in the processes, other than a crane, shall be loaded beyond the safe-load; nor a crane, unless secured with the written permission of the owner by plates or chains or otherwise. Overloading machinery.

No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

16. A boy under sixteen shall not be employed as driver of a crane or winch, or to give signals to a driver, or to attend to cargo falls on winch-ends or winch-bodies. Employment of boys under 16.

17. Where in connection with the processes goods are placed on a wharf or quay other than a wharf or quay on a shallow canal:— Clear space on wharf or quay.

(a.) A clear passage leading to the means of access to the ship required by Regulation 4 shall be maintained on the wharf or quay; and

(b.) If any space is left along the edge of the wharf or quay, it shall be at least three feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

18. No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed, and adequately supported, and, where necessary, securely fastened. Cargo stages.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Any stage which is slippery shall be made safe by the use of sand or otherwise.

19. Where there is more than one hatchway, if the hatchway of a hold exceeding seven feet six inches in depth measured from the top of the coamings to the bottom of the hold is not in use and the coamings are less than two feet six inches in height, it shall either be fenced to a height of three feet, or be securely covered. Fencing open hatchways.

Provided that this regulation shall not apply during meal-times or other temporary interruptions of work during the period of employment.

And provided that until the 1st of January, 1908, the fencing may be the best the circumstances will allow without making structural alteration.

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Hatch coverings. Hatch coverings shall not be used in connection with the processes in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

Loading cargo in 'tween decks. 20. No cargo shall be loaded by a fall or sling at any intermediate deck unless a secure landing platform has been placed across the hatchway at that deck.

PART V.

Interference with safety appliances. 21. No person shall, unless duly authorised, or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, life-saving means or appliances, lights, marks, stages, or other things whatsoever, required by these Regulations to be provided.

22. The fencing required by Regulation 1 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

PART VI.

Responsibility of employer. 23. No employer of persons in the processes shall allow machinery or gear to be used by such persons in the processes that does not comply with Part III. of these Regulations.

For means of access and lights.

24. If the persons whose duty it is to comply with Regulations 4, 5, and 7 fail so to do, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required to comply with the said Regulation within the shortest time reasonably practicable after such failure.

Production of registers and certificates.

25. The certificate of the ship's register and any other certificate or register referred to in these Regulations shall be produced by the person in charge thereof on the application of any of H.M. Inspectors of Factories.

A. AKERS-DOUGLAS,

One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,

24th October, 1904.

NOTE.—Printed copies of these Regulations must be kept posted up in conspicuous places in all docks, wharves or quays, &c., to which they apply. A printed copy must also be supplied by the occupier to any persons affected by them on his application. Any person who fails to comply with these Regulations is liable to be prosecuted and fined (*Factory and Workshop Act, 1901, section 86*).

APPENDIX OF ORDERS.

This Appendix contains all the Orders now in force under the Act, except those which, by reason of their brevity, it has been thought better to insert in the Notes to the Act in Part II., and those which by reason of their nature are included in the Appendix of Regulations for Dangerous Trades. Many of the Orders were made under the repealed Acts; but, by virtue of paragraph (2) of section 161, these Orders continue to have effect as if they had been made under the new Act. All the Orders made under the repealed Acts are contained in the volume of Statutory Orders relating to Factories and Workshops (published by Messrs. Eyre and Spottiswoode), which volume, by the operation of section 2 of the Documentary Evidence Act, 1868, is *prima facie* evidence of the Orders. Later Orders can be proved by the production of a King's Printers' copy.

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APPENDIX OF ORDERS.

LIMEWASHING.

s. 1,
subs. (4).

ORDER (a) OF SECRETARY OF STATE, DATED NOVEMBER 2, 1903.

A special exception has been granted to the factories and parts of factories named in the Schedules to the Order providing that the regulations in s. 1, subs. (3) of the Act shall not apply thereto :

Provided—

- (1.) That the special exception shall not apply to any part of a factory included in Schedule A which does not afford clear 500 cubic feet, or to any part of a factory included in Schedule B which does not afford clear 2,500 cubic feet, for each person employed therein ;
- (2.) That the exception shall not apply to mess-rooms, engine-houses, fitting-shops, or sanitary conveniences, except as regards walls or tops made of glazed bricks, tiles, glass, slate, marble, or galvanised iron, and washed with water and soap once at least within every 14 months ;
- (3.) That nothing in this Order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by Sub-section (1) of the said section ;
- (4.) That if it appear to an inspector that any part of a factory to which the exception applies is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same ; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

The Orders of 16th November 1895, 8th February 1896, and 26th March 1902, are hereby revoked.

Schedule A.

Blast furnaces.
 Iron mills.
 Copper mills.
 Stone, slate, and marble works.
 Brick and tile works in which unglazed bricks or tiles are made.
 Cement works.
 Chemical works.
 Gas works.
 Flax scutch mills in which neither children nor young persons are employed.
 Sugar factories.

The following parts of factories :—

Rooms used for the storage of articles, and not for the constant carrying on therein of any manufacturing process.

Parts in which dense steam is continuously evolved in the process of manufacture.

Parts in which pitch, tar, or like material is used, except in brush works.

Parts in which unpainted or unvarnished wood is manufactured.

The part of a glass factory known as the glass house.

Parts in which there are no glazed windows in the walls or roof.

Walls, or tops of rooms, which are made of glazed bricks, tiles, glass, slate, marble, or galvanized iron, on condition that they are washed with water and soap once at least within every 14 months.

Tops of rooms which are at least 20 feet from the floor.

Tops of rooms—

(1) in print works, bleach works, or dye works, with the exception of finishing rooms or warehouses; or

(2) in grist mills; or

(3) in works in which are carried on the processes of—

Agricultural implement making;

Coach making;

Engraving;

Manufacture of starch, soap, candles;

Salting, tanning, or dressing of hides and skins.

Schedule B.

Shipbuilding works.

Gun factories.

Engineering works.

Electric generating works.

Frame dressing rooms of lace factories.

Foundries other than foundries in which brass casting is carried on.

SANITARY ACCOMMODATION.

s. 9.

THE SANITARY ACCOMMODATION ORDER (a) OF 4TH FEBRUARY, 1903.

Sanitary accommodation shall be deemed to be sufficient and suitable within the meaning of Section 9 of the Act if the following conditions are complied with and not otherwise :—

1. In factories or workshops where females are employed or in attendance there shall be one sanitary convenience for every 25 females.

(a) Gazetted February 17, 1903. St. R. & O., 1903, p. 745.

In factories or workshops where males are employed or in attendance there shall be one sanitary convenience for every 25 males: provided that—

- (a) in factories or workshops where the number of males employed or in attendance exceeds 100, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one sanitary convenience for every 25 males up to the first 100, and one for every 40 after;
- (b) in factories or workshops where the number of males employed or in attendance exceeds 500, and the District Inspector of Factories certifies in writing that by means of a check system, or otherwise, proper supervision and control in regard to the use of the conveniences are exercised by officers specially appointed for that purpose it shall be sufficient if one sanitary convenience is provided for every 60 males, in addition to sufficient urinal accommodation. Any certificate given by an Inspector shall be kept attached to the general register, and shall be liable at any time to be revoked by notice in writing from the Inspector.

In calculating the number of conveniences required by this order, any odd number of persons less than 25, 40, or 60, as the case may be, shall be reckoned as 25, 40, or 60.

2. Every sanitary convenience shall be kept in a cleanly state, shall be sufficiently ventilated and lighted, and shall not communicate with any work-room except through the open air or through an intervening ventilated space: provided that in work-rooms in use prior to 1st January, 1903, and mechanically ventilated in such manner that air cannot be drawn into the work-room through the sanitary convenience, an intervening ventilated space shall not be required.

3. Every sanitary convenience shall be under cover and so partitioned off as to secure privacy, and if for the use of females shall have a proper door and fastenings.

4. The sanitary conveniences in a factory or workshop shall be so arranged and maintained as to be conveniently accessible to all persons employed therein at all times during their employment.

5. Where persons of both sexes are employed, the conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate.

6. This Order shall come into force on the 1st day of July, 1903.

7. This Order may be referred to as the Sanitary Accommodation Order of 4th February, 1903.

FIVE HOURS' SPELL IN HOSIERY FACTORIES.

ORDER (a) OF SECRETARY OF STATE, DATED 12th MAY 1902.

The exception mentioned in Section 59 of the Act has been extended to—

Hosiery Factories,

provided—

(a) that the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and

(b) that the whole time between that hour and eight o'clock is allowed for meals.

It is further directed that the limitation of the said exception to the period between the 1st day of November and the following last day of March shall not apply to Hosiery Factories: Provided that the exception shall apply to any Hosiery Factory only during such period of the year as may be specified by the occupier in the notice, which an occupier availing himself of a special exception is required by Section 60 of the said Act to serve on the Inspector and to exhibit in the Factory.

So much of the Order of 20th December, 1882. as applies to Hosiery Factories is hereby revoked.

MEAL TIMES.

S. 40.
subs. (4).

DIFFERENT MEAL TIMES AND EMPLOYMENT DURING MEAL TIMES.

ORDER (b) OF SECRETARY OF STATE, DATED 20th DECEMBER 1882.

The exceptions permitting different meal times, and the exceptions permitting employment during meal times, have both been extended to factories and workshops of the classes mentioned in the Schedule below.

Schedule.

(a) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery, commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.

(b) Non-textile factories and workshops wherein is carried on the making of wearing apparel.

(c) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.

(a) Gazetted May 13, 1902. St. R. & O., 1902, p. 101.

(b) Gazetted 22nd December 1882. St. R. & O., Rev. Vol. 3, pp. 224, 226.

- (d) The following non-textile factories and workshops, viz. :—
- | | | | | |
|------------------------------|---|---|---|------------------------------|
| Dressing floors | - | - | - | } in the County of Cornwall. |
| Tin streams | - | - | - | |
| China clay pits and quarries | | | | |

ORDER (a) OF SECRETARY OF STATE, DATED 24th FEBRUARY 1887.

The exceptions permitting different meal times, and also the exceptions permitting employment during meal times, have both been extended to factories and workshops of the classes mentioned in the Schedule below.

Schedule.

Non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens.

ORDER (b) OF SECRETARY OF STATE, DATED 1st MAY 1896.

The exception permitting different meal times has been extended to factories and workshops in which is carried on—

The Printing of Photographs,

subject to the condition that in every factory and workshop the occupier of which avails himself of this exception there shall be affixed a notice showing the names of the children, young persons, and women employed in the factory or workshop, and the times allowed to each of them for meals.

ORDER (c) OF SECRETARY OF STATE, DATED 20th JULY 1899.

The exceptions permitting different meal times, and the exceptions permitting employment during meal times, have both been extended to factories in which is carried on—

The Spinning of Artificial Silk,

subject to the following conditions :—

- (1.) One set of meal hours shall be appointed for the children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk; another set for all other children, young persons, and women employed in the factory.
- (2.) All children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (3.) All other children, young persons, and women employed in the factory shall have the same hours appointed for their meals,

(a) Gazetted 1st March 1887. St. R. & O., Rev. Vol. 3, pp. 225, 226.

(b) Gazetted 8th May 1896. St. R. & O., 1896, p. 108.

(c) Gazetted 25th July 1899. St. R. & O., 1899, p. 604.

and shall not during those hours be employed in the factory or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.

- (4.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk there shall be affixed a complete and accurate list of all children, young persons, and women, whose ordinary employment in the factory is the spinning of artificial silk, together with a statement of the meal hours appointed for them.
- (5.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be at least 1,000 cubic feet of air space to each person employed.

ORDER (a) OF SECRETARY OF STATE, DATED 6th SEPTEMBER 1899.

The exceptions permitting different meal times, and the exceptions permitting employment during meal times, have both been extended to textile factories in which the material used is—

Flax, Jute, or Hemp,

subject to the following conditions:—

- (1.) One set of meal hours shall be appointed for the children, young persons, and women whose sole employment in the factory is the sweeping and removal of waste from the floors, hereinafter referred to as sweepers; another set for all other children, young persons, and women employed in the factory.
- (2.) All sweepers shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (3.) All other children, young persons, and women employed in the factory shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (4.) At the entrance of the factory there shall be kept posted a complete and accurate list of all sweepers employed in the factory, together with a statement of the meal hours appointed for them.
- (5.) In every room in which both sweepers and other persons are employed there shall be at least 1,000 cubic feet of air space to each person employed.

ORDER () OF SECRETARY OF STATE, DATED 11th MARCH, 1903.

S. 40,
subs. (4).

The following special exceptions, namely:—

- (a.) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day; and

(a) Gazetted 12th September 1899. St. R. & O., 1899, p. 606.

(b) Gazetted 13th March 1903. St. R. & O., 1903, p. 747.

(b.) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;
have been extended to young persons above the age of 16 employed in—

Electrical Stations,

subject to the following conditions :—

- (1.) For the purpose of ensuring that a reasonable temperature shall be maintained as required by Section 6 of the Act, thermometers shall be provided, maintained, and kept in working order in suitable positions in each room where such young persons are employed ;
- (2.) Sufficient and suitable sanitary accommodation complying with the requirements of any special Order made by the Secretary of State under Section 9 of the Act shall be provided ;
- (3.) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

This Order shall come into force on the 1st April, 1903.

s. 40,
subs. (4).

ORDER (a) OF SECRETARY OF STATE, DATED 23rd JUNE 1904.

The following special exceptions, namely :—

- (a.) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and
- (b.) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

have been extended to male young persons employed in—

Iron and Steel Foundries.

ss. 41 & 58.

FRUIT PRESERVING.

ORDER (b) OF SECRETARY OF STATE, DATED 17th JUNE 1902.

The observance of the following conditions has been required in—
Factories and Workshops in which Women and Young Persons are Employed in the Process of Cleaning and Preparing Fruit in pursuance of the special exception allowed by Section 41 :—

- (1.) There shall not be less than 400 cubic feet of air space to each person employed in any room in which persons are employed in pursuance of the said special exception.

(a) Gazetted 28th June 1904.

(b) Gazetted 20th June 1902. St. R. & O., 1902, p. 103.

- (2.) If any process carried on in any room in which persons are employed in pursuance of the said exception involves the giving off of steam, fans or other means of proper construction shall be provided, maintained, and used for carrying away the steam from the point at which it is given off.
- (3.) The floors shall be kept in good condition, and adequate means shall be provided for draining the wet away from the workers.
- (4.) No female young person shall be employed to lift, carry, or move any weight so heavy as to be likely to cause injury to such young person.
- (5.) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half an hour.
- (6.) No young person under 16 shall be employed before six o'clock in the morning or after ten o'clock in the evening.
- (7.) No woman or young person shall be employed in pursuance of the said exception who has since the first day of October last preceding been employed by the same occupier outside the ordinary period of employment in pursuance either of the special exception with respect to preserving or curing of fish under Section 41 or of any special exception under Section 50.
- (8.) On every day on which a woman or young person is employed in pursuance of the said special exception, the occupier shall enter in the prescribed register, and report to the Inspector for the district in the prescribed form, the hour at which the fruit arrived at the factory or workshop, the processes on which women or young persons were employed in pursuance of the exception, the periods of employment of such women and young persons, and the intervals allowed them for meals.

CREAMERIES.

S. 42.

ORDER (a) OF SECRETARY OF STATE, DATED 23rd OCTOBER 1903.

The following special exceptions have been granted to—

Creameries :—

- (1.) During the months of May to October inclusive women and young persons may be employed during a period of employment which shall on Saturdays or any day substituted for Saturday, in pursuance of Section 43 of the Act, begin at six o'clock in the morning and end at two o'clock in the afternoon, and on the other week days begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Sundays and holidays be a period of three consecutive hours to be fixed between six o'clock in the morning and

seven o'clock in the evening, subject to the following conditions:—

- (i.) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal;
 - (ii.) There shall be allowed for intervals on Saturday, or the day substituted for Saturday, not less than one hour, and on the other week days not less than five hours, including the whole time from twelve noon to four o'clock in the afternoon;
 - (iii.) No overtime shall be worked in the creamery in pursuance of any other exception.
- (2.) In creameries where the above exception is not used, women and young persons may be employed during the said months on Sundays and holidays during a period of three consecutive hours to be fixed between six o'clock in the morning and seven o'clock in the evening, subject to the following conditions:—
- (i.) An interval of not less than half-an-hour shall be allowed within the period of employment on each week day, in addition to those required by the Act.
 - (ii.) No overtime shall be worked in the creamery in pursuance of any other exception.

The order dated the 9th June, 1902, is hereby repealed.

NOTE.—Before this exception is used in any creamery, a notice must, in pursuance of Section 60 of the Factory and Workshop Act, 1901, be posted in the creamery showing the beginning and end of the period of employment and the intervals to be allowed, and a copy of such notice must be sent to the Inspector. The notice must be kept affixed so long as the exemption is used.

No change may be made in the periods or intervals specified in the notice until the occupier has served on the Inspector, and affixed in the creamery, notice of his intention to make the change, nor more often than once a quarter unless for special cause allowed in writing by an Inspector.—Section 32.

a. 48.

SUBSTITUTION OF ANOTHER DAY FOR SATURDAY.

ORDER (a) OF SECRETARY OF STATE, DATED 20th DECEMBER 1882.

A special exception has been granted to factories and workshops of the classes mentioned in the Schedule hereto, authorising the occupier of every such factory and workshop to substitute, by notice affixed in his factory or workshop, some other day for Saturday; and providing that, so long as the special exception is acted upon, the Act shall apply in such factory or workshop in like

manner as if the substituted day were Saturday, and Saturday were an ordinary workday.

Schedule.

- (a) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.
- (b) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (c) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (d) Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half-holiday.

The following non-textile factories and workshops, viz. :—

Dressing floors	-	-	-	} in the County of Cornwall.
Tin streams	-	-	-	
China clay pits and quarries	-	-	-	

DIFFERENT HOLIDAYS TO DIFFERENT SETS.

S. 45.

ORDER (a) OF SECRETARY OF STATE, DATED 20th DECEMBER 1882.

A special exception has been granted to factories and workshops of the classes mentioned in the Schedule hereto, authorising the occupier of any such factory or workshop to allow all or any of the half-holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

Schedule.

- (a) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.
- (b) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (c) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (d) Non-textile factories in which is carried on the manufacture of plate glass.

s. 49.

OVERTIME.**OVERTIME OF WOMEN FOR PRESS OF WORK.**

ORDER (a) OF SECRETARY OF STATE, DATED 29th DECEMBER 1903.

The exception contained in the Second Schedule to the Act, by which overtime employment of women under s. 49 of the Act is allowed in certain cases, has been extended to the following occupations :—

1. The making of cardboard and millboard.
2. The colouring and enamelling of paper, other than wall-papers.
3. The stamping in relief on paper and envelopes.
4. The making of postage stamps, stamped post cards, and stumped envelopes.
5. The making of Christmas and New Year cards, and of cosaques.
6. The making of meat pies, of mincemeat, and of Christmas puddings.
7. The bottling of beer.
8. The making of boxes for aerated water bottles.
9. The washing of bottles for use in the preserving of fruit.
10. The making and mixing of butter and the making of cheese.
11. The making of fireworks.
12. The calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth: Provided that in Lancashire and Cheshire this exception shall not apply unless such processes are the only processes carried on in the factory.
13. The warping, winding, or filling of yarn, without the aid of mechanical power, as incidental to the weaving of ribbons.

Provided that it shall be a condition of the employment of any woman in pursuance of this Order that—

- (1.) There shall be in each room in which overtime is being worked at least 400 cubic feet of space (b) for each person employed therein;
- (2.) A woman shall not be employed overtime on any process other than a process named in this Order.

(b) This space is now compulsory in case of all overtime employment in factories with regard to all persons so employed (s. 3). The condition to the exceptions remains in force with regard to workshops, and is enforceable there by factory inspectors.

The Orders of 20th December, 1882, 22nd November, 1883, 12th March, 1884, 27th August, 1884, 26th April, 1887, 16th September, 1889, 13th October, 1890, 7th September, 1896, 30th June, 1897, 28th June, 1899, 27th June, 1902, and 18th June, 1903, extending the said exception, are hereby revoked.

(a) Gazetted 1st January 1904. St. R. & O., 1903, p. 751. An Order dated 15th November 1904 (gazetted 18th November 1904) extends this exception to the making up of any article of table linen, bed linen, or other household linen, and processes incidental thereto.

OVERTIME ON INCOMPLETE PROCESS.

s. 51.

ORDER (a) OF SECRETARY OF STATE, DATED 20th DECEMBER 1882.

The exception permitting overtime employment of children, young persons, or women on incomplete processes has been extended to the non-textile factories and workshops, and parts thereof, mentioned in the following Schedule.

Schedule

Non-textile factories and workshops, or parts thereof, in which is carried on the process of baking of bread or biscuits.

The following non-textile factories and workshops, viz :—

Dressing floors	-	-	-	} in the County of Cornwall.
Tin streams	-	-	-	
China clay pits and quarries	-	-	-	

OVERTIME IN WATER MILLS.

s. 52.

ORDER (b) OF SECRETARY OF STATE, DATED 20th DECEMBER 1882.

A special exception has been granted to every factory falling within the class of factories mentioned in the Schedule hereunder, permitting the employment therein of young persons and women during a period of employment from 6 a.m. to 7 p.m., for the purpose of recovery of time lost from the stoppage of such factory by drought or flood, subject nevertheless to the following conditions:—

- (1.) No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
- (2.) Notice of the time lost, and the cause thereof, shall be reported to the inspector within three days of such loss.
- (3.) Notice of the recovery of the time lost shall be reported to the inspector day by day as the same has been recovered.
- (4.) This special exception shall not be available—
 - (a) for the recovery of any time lost more than 12 months previously;
 - (b) for the recovery of time lost from the stoppage of the factory by drought for more than 96 days in any period of 12 months;
 - (c) for the recovery of time lost from the stoppage of the factory by floods for more than 48 days in any period of 12 months.
- (5.) This special exception will not authorise the employment of children.

Schedule.

Factories in which water power alone is used to move the machinery.

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- (a) Gazetted 22nd December 1882. St. R. & O. Rev., Vol. 3, p. 232.
 (b) Gazetted 22nd December 1882. St. R. & O. Rev., Vol. 3, p. 233.

s. 54,
subs. (4).

NIGHT WORK.

ORDER (a) OF SECRETARY OF STATE, DATED 11th MARCH 1903.

The exception by which the employment at night of male young persons above 16 is allowed in certain cases by s. 54, has been extended to—

Electrical Stations,

subject to the conditions prescribed in Sub-section (1) of the said Section 54 and to the following further conditions:—

- (1.) For the purpose of ensuring that a reasonable temperature shall be maintained as required by Section 6 of the Act, thermometers shall be provided, maintained, and kept in working order in suitable positions in each room where such young persons are employed;
- (2.) Sufficient and suitable sanitary accommodation complying with the requirements of any Special Order made by the Secretary of State under Section 9 of the Act shall be provided;
- (3.) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

ORDER (b) OF SECRETARY OF STATE, DATED 4th MAY 1903.

The exception by which the employment at night of male young persons above 16 is allowed in certain cases by s. 54, has been extended to the following places and processes in non-textile factories and workshops, subject to the conditions prescribed in subsection 1 of the said section:—

That part of a factory in which reverberatory or regenerative furnaces are used and are necessarily kept in operation day and night in order to avoid waste of material or fuel.

The knocking out and cutting departments of factories engaged in the refining of loaf sugar.

The process of galvanizing sheet metal and wire in factories.

Such parts of mineral dressing floors in Cornwall as are appropriated to the processes of calcining and stamping.

China clay works.

Factories and workshops connected with lead and zinc mines in which the concentration of the ores is carried on.

The Orders of the 16th November, 1895, and 22nd August, 1902, extending the said exception, are hereby revoked.

(a) Gazetted 13th March 1903. St. R. & O., 1903, p. 749.

(b) Gazetted 8th May 1903. St. R. & O., 1903, p. 750.

ORDER OF THE SECRETARY OF STATE, DATED AUGUST 9, 1904.(a)

The exception by which a male young person may be employed during the night has been extended to male young persons of the age of sixteen years and upwards employed on the system of three shifts of not more than 8 hours each in

the processes of pressing and reeling cordite and nitrating and moulding gun cotton carried on in non-textile factories,

subject to the conditions prescribed in subsection 1 of the said section.

PROHIBITION OF MEALS BEING TAKEN IN CERTAIN PLACES.

s. 78.

ORDER (b) OF SECRETARY OF STATE, DATED 23rd MARCH 1898.

The provisions of s. 78, by which taking meals and remaining during meal times are prohibited in certain places, are extended to the parts of factories and workshops mentioned in the following Schedule.

Schedule.

The parts of textile factories in which the process of gassing is carried on.

The parts of print works, bleaching works, and dyeing works in which the process of singeing is carried on.

The parts of factories or workshops in which any of the following processes are carried on :—

Sorting or dusting wool or hair.

Sorting, dusting, or grinding rags.

Fur-pulling.

Grinding, glazing, or polishing on a wheel.

Brass-casting, typefoundry.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Cleaning and repairing catgut.

Cutting, turning, or polishing bone, ivory, pearlshell, or snail-shell.

Manufacturing chemicals or artificial manures.

Manufacturing white lead.

Lithographic printing

Playing-card making

Fancy box making

Paper staining

if and when dry powder or dust is used.

Almanack making

Artificial flower making

Paper colouring and enamelling

Colour making

(a) Gazetted 16th August 1904.

(b) Gazetted 25th March 1898. St. R. & O., 1898, p. 370.

MAXIMUM LIMITS OF HUMIDITY IN CERTAIN FACTORIES.

ORDER (a) OF SECRETARY OF STATE, DATED 24th DECEMBER 1898.

The following Schedule applies to factories in which the spinning of merino, cashmere, or wool by the "French" or "dry" process is carried on in place of the provisions of the Fourth Schedule to the Act.

SCHEDULE of the MAXIMUM LIMITS OF HUMIDITY of ATMOSPHERE to be observed at GIVEN TEMPERATURES in FACTORIES in which the SPINNING of MERINO, CASHMERE, or WOOL by the "FRENCH" or "DRY" PROCESS is carried on.

I.	II.	III.	IV.
Grains of Vapour per Cubic Foot of Air.	Dry Bulb Thermometer Readings. Degrees Fahrenheit.	Wet Bulb Thermometer Readings. Degrees Fahrenheit.	Percentage of Humidity. (Saturation = 100.)
1.9	35	33	80
2.0	36	34	82
2.1	37	35	83
2.2	38	36	83
2.3	39	37	84
2.4	40	38	84
2.5	41	39	84
2.6	42	40	85
2.7	43	41	84
2.8	44	42	84
2.9	45	43	85
3.1	46	44	86
3.2	47	45	86
3.3	48	46	86
3.4	49	47	86
3.5	50	48	86
3.6	51	49	86
3.8	52	50	86
3.9	53	51	86
4.1	54	52	86
4.2	55	53	87
4.4	56	54	87
4.5	57	55	87
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88

I.	II.	III.	IV.
Grains of Vapour per Cubic Foot of Air.	Dry Bulb Thermometer Readings. Degrees Fahrenheit.	Wet Bulb Thermometer Readings. Degrees Fahrenheit.	Percentage of Humidity. (Saturation = 100.)
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.3	71	69	88
7.6	72	70	89
7.8	73	71	89
8.1	74	72	89
8.4	75	73	89
8.6	76	74	89
8.9	77	75	89
9.2	78	76	89
9.5	79	77	90
9.8	80	78	90
10.1	81	79	90
10.5	82	80	90
10.8	83	81	90
11.1	84	82	90
11.5	85	83	90
11.8	86	84	90
12.2	87	85	90
12.6	88	86	90
13.0	89	87	90
13.4	90	88	90
13.8	91	89	90
14.2	92	90	90
14.7	93	91	90
15.1	94	92	90
15.5	95	93	91
16.0	96	94	90
16.5	97	95	90
17.0	98	96	90
17.5	99	97	91
18.0	100	98	90

HOME WORK.

ss. 107, 108, 110.

THE HOME WORK ORDER OF 11th DECEMBER 1901.

The following Special Order has been made under the new Act:—

I. Section 107 (relating to lists of outworkers) and Section 108 (relating to employment in unwholesome premises) shall apply to the following classes of work:—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto;

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;
 Cabinet and furniture making and upholstery work;
 The making of electro-plate;
 The making of files; and
 Fur-pulling.

II. Section 110 (relating to the prohibition of home work in places where there is infectious disease) shall apply to the following classes of work :—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto (as in the said section specified);
 The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;
 Upholstery work; and
 Fur-pulling.

III. The lists of out-workers required to be kept by Section 107 and the copies thereof shall be kept and made in the form and manner and with the particulars shown in the Schedule hereto.

The Order of 23rd March 1898, relating to lists of outworkers, is hereby revoked.

Schedule.

LIST OF OUTWORKERS.

A correct list of outworkers employed in the following classes of work :—

- (a) making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto;
- (b) making, ornamenting, and finishing of lace and of lace curtains and nets;
- (c) cabinet and furniture making and upholstery work;
- (d) making of electro-plate;
- (e) making of files;
- (f) fur-pulling;

must be kept in the form and with the particulars specified below in the factory or workshop or place from which the work is given out, and must be open to inspection by H.M. inspectors and the officers of the local authority; and a copy of the list signed and dated and corrected up to that date must be forwarded to the local authority of the district on or before the first day of February and the first day of August in each year.

In order that the list may be correct, the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

Factory, Workshop, or } Full Postal Address _____
 Place from which the } Business _____
 work is given out. } Name of Occupier _____

List of Persons directly employed by (a)

(b) _____ in the business of, but outside, the
 above Factory, Workshop, or Place, in the classes of work
 specified above.

(a) Give name of employer.

(b) Say whether the occupier or a contractor employed by the occupier.

Name in full.	Whether employed as Workman (W) or Contractor (C).	Place of Employment, i.e. place where the work is actually done.	Address. [No entry need be made in this column if the entry in column (3) is a sufficient address.]
(1.)	(2.)	(3.)	(4.)

THE HOME WORK ORDER (a) OF 14th JULY 1902.

ss. 107 & 108.

The following additional Special Order has been made under the new Act:—

1. Section 107 (relating to lists of out-workers) and Section 108 (relating to employment in unwholesome premises) shall apply to the following classes of work:—

Making of iron and steel cables and chains;

Making of iron and steel anchors and grapnels;

Making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds;

Making of locks, latches, and keys;

and the Home Work Order of the 11th December 1901 shall be read as though these classes of work were added to those which are specified in Clause 1 of that Order and in the Schedule to the Order.

2. The lists of out-workers required to be kept by Section 107 and the copies thereof shall be kept and made in the form and manner and with the particulars shown in the Schedule to the Home Work Order of 11th December 1901.

3. This Order shall come into force on the 1st August proximo.

4. This Order may be referred to as the Home Work Order of the 14th July 1902.

s. 116.

PARTICULARS OF PIECE-WORK WAGES.**ORDER (a) OF SECRETARY OF STATE, DATED 2nd SEPTEMBER 1898.**

The provisions of s. 116 of the Act have been applied, without modification, to the class of workshops in which is carried on the preparing, manufacturing, or finishing, or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together or mixed with any other material or any fabric made thereof: Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works, shall not be included.

ORDER (b) OF SECRETARY OF STATE, DATED 12th JULY 1900.

The provisions of s. 116 of the Act have also been applied, subject to the modifications herein-after contained, to the classes of factories and workshops in which is carried on the making of—

Pens.

The said section is for that purpose modified so as to read as follows:—

(1.) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(a.) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done, either

- (i) by handing him a written or printed statement of such particulars when the work is given out to him; or
- (ii) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(b.) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing at the time when the work is given out to him.

(c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(a) Gazetted 9th September 1898. St. R. & O., 1898, p. 369.

(b) Gazetted 17th July 1900. St. R. & O., 1900, p. 263.

- (2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

ORDER (a) OF SECRETARY OF STATE, DATED JULY 14, 1902.

The provisions of s. 116 of the Act have also been applied, subject to the modifications hereinafter contained, to factories and workshops in which is carried on the making of—

Locks, Latches, and Keys,

and to out-workers employed in the making of locks, latches, and keys, and the occupiers or contractors by whom they are employed.

The said section shall be modified so as to read as follows:—

- (1.) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows:—
 - (a.) The particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him, or, in the case of persons employed in a factory or workshop, shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.
 - (b.) Such particulars shall not be expressed by means of symbols.
- (2.) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence

to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in the making of locks, latches, and keys, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

The Order dated the 20th August, 1897, is hereby repealed.

ORDER (a) OF SECRETARY OF STATE, DATED JULY 14, 1902.

The provisions of s. 116 of the Act have also been applied, subject to the modifications hereinafter contained, to Factories and Workshops in which is carried on any of the following classes of work:—

Making of Iron and Steel Cables and Chains;

Making of Iron and Steel Anchors and Grapples;

Making of Cart Gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds;

and to out-workers employed in those classes of work, and to the occupiers or contractors by whom they are employed.

The said section shall be modified so as to read as follows:—

(1.) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

- (ii.) by supplying him with such particulars in print or in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered; or
- (iii.) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b.) Such particulars of the work to be done or which has been done by each worker as affect the amount of wages payable to him shall be furnished to him in writing, either at the time when the work is given out to him or when it is brought in by him. If he is required to return such written particulars to the occupier or to any other person, a copy thereof shall be furnished to him, which he may retain for his own use.
- (c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2.) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the aforesaid classes of work, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

The Order dated the 10th August, 1807, is hereby repealed.

ORDER (a) OF SECRETARY OF STATE, DATED JANUARY 5, 1903.

The provisions of s. 116 have also been applied, subject to the modifications hereinafter contained, to factories and workshops in which—

Wholesale Tailoring

is carried on, and to out-workers employed in wholesale tailoring and the occupiers and contractors by whom they are employed.

The said section shall be modified so as to read as follows:—

- (1.) The occupier or contractor shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

- (a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him either,
 - (i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

- (ii.) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

- (b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

- (c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

- (2.) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

- (3.) If anyone engaged as a worker in wholesale tailoring having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so

engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

The foregoing provisions shall not apply to any work carried on in the factories and workshops mentioned in this Order other than wholesale tailoring.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

The Order dated the 6th August, 1898, is hereby repealed.

ORDER (a) OF SECRETARY OF STATE, DATED APRIL 22, 1903.

The provisions of s. 116 of the Act have also been applied, subject to the modifications hereinafter contained, to factories and workshops in which is carried on the following class of work:—

Making of Felt Hats;

and to out-workers employed in that class of work, and to the occupiers or contractors by whom they are employed.

The said section shall be modified so as to read as follows:—

- (1.) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

- (a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him,

- (i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

- (ii.) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

- (b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be

furnished to him in writing at the time when the work is given out to him.

(2.) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid classes of work, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

The Order dated the 30th November, 1897, is hereby repealed.

ORDER (a) OF SECRETARY OF STATE, DATED DECEMBER 17, 1903.

The provisions of s. 116 of the Act have also been applied, subject to the modifications hereinafter contained, to factories and workshops in which the undermentioned processes, or any of them, are carried on, and to out-workers employed in those processes and the occupiers and contractors by whom they are employed:—

The Making, Altering, Ornamenting, Finishing, and Repairing of Wearing Apparel other than Boots and Shoes; and any work incidental thereto.

Provided that this Order shall not apply to any work to which either of the following Orders applies, namely, the Wholesale Tailoring Particulars Order dated January 5th, 1903, and the Felt Hat Particulars Order dated April 22nd, 1903.

The said section shall be modified so as to read as follows:—

(1.) The occupier or contractor shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause

to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

- (a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either,
 - (i.) by furnishing him with a written or printed statement of such particulars when the work is given out to him; or
 - (ii.) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2.) If the occupier or contractor fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the processes aforesaid having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

The Order dated the 22nd April, 1897, relating to Handkerchiefs, Aprons, Pinafores, and Blouses, is hereby repealed.

s. 151.

TREATMENT OF BRANCHES AS SEPARATE FACTORIES.**ORDER (a) OF SECRETARY OF STATE, DATED 27th MARCH 1897.**

It is provided, with respect to factories and workshops in which overtime may be worked by women in pursuance of s. 49 of the Act, or of any order made thereunder, that different branches or departments of work carried on in the same factory or workshop may, so far as regards the EMPLOYMENT OF WOMEN DURING OVERTIME, be treated as if they were different factories or workshops, subject to the following conditions:—

- (1.) Every such branch or department must be carried on—
 - (a) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (b) under separate and distinct management, and
 - (c) by separate and distinct persons, that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2.) In every such branch or department a separate notice (Special Exception Notice) under s. 60 of the Act must be affixed, stating clearly the name or description of the branch or department; and a copy of every such notice must be sent to the Inspector.
- (3.) In every such branch or department a separate register (Overtime Register) must be kept, and the entry of the particulars required by s. 60 of the Act must be made therein; and all such particulars must be reported to the Inspector as required by the said s. 60.
- (4.) In every such branch or department a separate notice (Record of Overtime) must be kept affixed as required by s. 60 of the Act.
- (5.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that, in his opinion, having regard to all the circumstances of the case, the separation of branches or departments, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

ORDER (b) OF SECRETARY OF STATE, DATED 27th MARCH 1897.

It is provided, with respect to the factories and workshops named in the Schedule to this Order, that different branches or departments of work carried on in the same factory or workshop, may, so

(a) *Gazetted 2nd April 1897. St. R. & O., 1897, p. 123.*(b) *Gazetted 2nd April 1897. St. R. & O., 1897, p. 125.*

far as regards the PERIOD OF EMPLOYMENT OF CHILDREN, YOUNG PERSONS, AND WOMEN, be treated as if they were different factories or workshops, subject to the following conditions :—

- (1.) Every such branch or department must be carried on—
 - (a) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (b) under separate and distinct management, and
 - (c) by separate and distinct persons; that is to say, no person who is employed in one branch or department may be employed in any other branch or department.
- (2.) In every such branch or department a separate notice (Special Exception Notice) under s. 60 of the Act must be affixed, stating clearly the name or description of the branch or department; and a copy of every such notice must be sent to the Inspector.
- (3.) In every such branch or department a separate notice (Period of Employment Notice) under s. 32 of the Act must be affixed.
- (4.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that, in his opinion, having regard to all the circumstances of the case, the separation of branches or departments, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

Schedule.

Factories or workshops or parts thereof in which are carried on—

Bookbinding,

Hat making, and

The following branches of the confectionery trade, viz.:—Bonbon and Christmas present making.

ORDER (a) OF SECRETARY OF STATE, DATED 19th JANUARY 1899.

It is provided, with respect to the factories and workshops named in the Schedule to this Order, that a part of any such factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods, may, so far as regards the PERIOD OF EMPLOYMENT OF CHILDREN, YOUNG PERSONS,

AND WOMEN, be treated as if it were a different factory or workshop, subject to the following conditions:—

- (1.)—(a) Such part must consist of a separate room or separate rooms;
- (b) such part must be under separate and distinct management;
- (c) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2.) Such part shall have a separate notice (Special Exception Notice) under s. 60 of the Act affixed therein; and a copy of every such notice must be sent to the Inspector.
- (3.) Such part shall have a separate notice (Period of Employment Notice) under s. 32 of the Act affixed therein.
- (4.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that, in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements afore-said are no longer satisfactory.

Schedule.

Factories or workshops in which the manufacture of edge tools is carried on.

ORDER (a) OF SECRETARY OF STATE, DATED 6th SEPTEMBER 1900.

It is provided, with respect to the factories and workshops named in the schedule to this Order, that a part of any such factory or workshop which is *a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods*, may, so far as regards the PERIOD OF EMPLOYMENT OF CHILDREN, YOUNG PERSONS, AND WOMEN, be treated as if it were a different factory or workshop, subject to the following conditions:—

- (1.)—(a) Such part must consist of a separate room or separate rooms;
- (b) such part must be under separate and distinct management;
- (c) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2.) Such part shall have a separate notice (Period of Employment Notice) under s. 32 of the Act affixed therein.
- (3.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that, in his opinion,

having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

Schedule.

Factories or workshops in which the manufacture of bright or burnished metal goods is carried on.

FORM OF REQUISITION FOR CERTIFICATE OF BIRTH.

s. 134.

ORDER (a) OF THE LOCAL GOVERNMENT BOARD DATED 23rd DECEMBER 1901, PRESCRIBING FORM OF REQUISITION FOR COPY CERTIFICATE OF BIRTH UNDER THE FACTORY AND WORKSHOP ACT, 1901.

43,504.

To all Superintendent Registrars, and Registrars of Births and Deaths in England and Wales;—

And to all others whom it may concern.

Whereas by s. 134 of the Factory and Workshop Act, 1901, it is enacted as follows:—

“Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall, on request, be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.”

Now therefore, We, the Local Government Board, in pursuance of the powers given to Us by the Statutes in that behalf, hereby Order as follows:—

ARTICLE I.—The requisition to be made to entitle any person to obtain a certified copy of an entry of a registry of birth under the section above cited shall be in the Form set forth in the Schedule to this Order.

ARTICLE II.—This Order shall come into operation on the First day of January, One thousand nine hundred and two.

Schedule.

THE FACTORY AND WORKSHOP ACT, 1901.

Requisition for a certified Copy of an entry of Birth for the purposes of the above-mentioned Act, or for any purpose connected with the employment in labour or elementary education of a Young Person under the age of sixteen years or of a Child.

To the Superintendent Registrar or Registrar of Births and Deaths
having the custody of the Register in which the birth of the
under-mentioned Young Person or Child is registered :—

I, the undersigned, hereby demand, for the purposes above-mentioned, or some or one of them, a Certificate of the Birth of the Young Person or Child named in the subjoined Schedule.

[illegible]

Dated this day of , 19 .

Signature _____

Address _____

Occupation _____

Given under the Seal of Office of the Local Government Board,
this Twenty-third day of December, in the year One thousand
nine hundred and one.

(L.S.)

CHAS. T. RITCHIE,
One of the *Ex-officio* Members of the
Local Government Board.

H. C. MONRO,
Assistant Secretary.



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